

110TH CONGRESS
2D SESSION

S. 3604

Making emergency supplemental appropriations for economic recovery for the fiscal year ending September 30, 2008, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26 (legislative day, SEPTEMBER 17), 2008

Mr. REID (for himself and Mr. BYRD) introduced the following bill; which was read twice and referred to the Committee on Appropriations

A BILL

Making emergency supplemental appropriations for economic recovery for the fiscal year ending September 30, 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 2008, and for other pur-
6 poses, namely:

1 TITLE I
2 INFRASTRUCTURE, ENERGY, AND ECONOMIC
3 RECOVERY
4 CHAPTER 1
5 DEPARTMENT OF AGRICULTURE
6 FARM SERVICE AGENCY
7 SALARIES AND EXPENSES

8 For an additional amount for “Farm Service Agency,
9 Salaries and Expenses”, for the purpose of maintaining
10 and modernizing the information technology system,
11 \$171,700,000, to remain available until expended.

12 RURAL HOUSING SERVICE

13 RURAL HOUSING INSURANCE PROGRAM ACCOUNT

14 For an additional amount for gross obligations for
15 the principal amount of direct and guaranteed loans as
16 authorized by title V of the Housing Act of 1949, to be
17 available from funds in the rural housing insurance fund,
18 as follows: \$171,000,000 for section 502 borrowers for di-
19 rect loans.

20 For an additional amount for the cost of direct and
21 guaranteed loans, including the cost of modifying loans,
22 as defined in section 502 of the Congressional Budget Act
23 of 1974, to remain available until expended, as follows:
24 \$11,500,000 for section 502 direct loans.

1 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

2 For an additional amount for gross obligations for
 3 the principal amount of direct and guaranteed loans and
 4 grants as authorized by section 306 of the Consolidated
 5 Farm and Rural Development Act, to be available from
 6 the rural community facilities program account, as follows:
 7 \$612,000,000 for rural community facilities direct loans;
 8 \$130,000,000 for guaranteed rural community facilities
 9 loans; and \$50,000,000 for rural community facilities
 10 grants.

11 For an additional amount for the cost of direct loans,
 12 guaranteed loans, and grants, including the cost of modi-
 13 fying loans, as defined in section 502 of the Congressional
 14 Budget Act of 1974, to remain available until expended,
 15 as follows: \$35,000,000 for rural community facilities di-
 16 rect loans; \$4,000,000 for rural community facilities guar-
 17 anteed loans; and \$50,000,000 for rural community facili-
 18 ties grants.

19 RURAL BUSINESS—COOPERATIVE SERVICE

20 RURAL BUSINESS ENTERPRISE GRANTS

21 For an additional amount for “Rural Business Enter-
 22 prise Grants”, \$40,000,000, to remain available until ex-
 23 pended.

24 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

25 For an additional amount for gross obligations for
 26 the principal amount of direct loans as authorized by the

1 Rural Development Loan Fund (42 U.S.C. 9812(a)),
 2 \$30,000,000.

3 For an additional amount for the cost of direct loans,
 4 including the cost of modifying loans, as defined in section
 5 502 of the Congressional Budget Act of 1974, to remain
 6 available until expended, \$12,600,000, for direct loans as
 7 authorized by the Rural Development Loan Fund (42
 8 U.S.C. 9812(a)).

9 RURAL UTILITIES SERVICE

10 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

11 For an additional amount for the cost of direct loans,
 12 loan guarantees, and grants for the rural water, waste
 13 water, waste disposal, and solid waste management pro-
 14 grams authorized by sections 306, 306A, 306C, 306D,
 15 and 310B and described in sections 306C(a)(2), 306D,
 16 and 381E(d)(2) of the Consolidated Farm and Rural De-
 17 velopment Act, \$200,000,000, to remain available until ex-
 18 pended.

19 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND

20 PROGRAM ACCOUNT

21 For an additional amount for grants for distance
 22 learning and telemedicine services in rural areas, as au-
 23 thorized by 7 U.S.C. 950aaa, et seq., \$26,000,000, to re-
 24 main available until expended.

1 FOOD AND NUTRITION SERVICE
2 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR
3 WOMEN, INFANTS, AND CHILDREN

4 For an additional amount for the special supple-
5 mental nutrition program as authorized by section 17 of
6 the Child Nutrition Act of 1966 (42 U.S.C. 1786),
7 \$450,000,000, to remain available through September 30,
8 2009.

9 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

10 For an additional amount for the Emergency Food
11 Assistance Program, as authorized by Section 4201 of
12 Public Law 110–246, \$50,000,000, to remain available
13 until September 30, 2009, of which the Secretary may use
14 up to 10 percent for costs associated with the distribution
15 of commodities.

16 COMMODITY ASSISTANCE PROGRAM

17 For an additional amount for the Commodity Supple-
18 mental Food Program, \$30,000,000, to support additional
19 food purchases, to remain available until September 30,
20 2009.

21 GENERAL PROVISION—THIS CHAPTER

22 SEC. 1101. (a) In this section, the term “non-
23 ambulatory disabled cattle” means cattle, other than cattle
24 that are less than 5 months old or weigh less than 500
25 pounds, subject to inspection under section 3(b) of the
26 Federal Meat Inspection Act (21 U.S.C. 603(b)) that can-

1 not rise from a recumbent position or walk, including cat-
 2 tle with a broken appendage, severed tendon or ligament,
 3 nerve paralysis, fractured vertebral column, or a metabolic
 4 condition.

5 (b) None of the funds made available under this Act
 6 may be used to pay the salaries or expenses of any per-
 7 sonnel of the Food Safety and Inspection Service to pass
 8 through inspection any nonambulatory disabled cattle for
 9 use as human food, regardless of the reason for the non-
 10 ambulatory status of the cattle or the time at which the
 11 cattle became nonambulatory.

12 (c) In addition to any penalties available under the
 13 Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the
 14 Secretary shall impose penalties consistent with sections
 15 10414 and 10415 of the Animal Health Protection Act
 16 (7 U.S.C. 8313, 8314) on any establishment that slaugh-
 17 ters nonambulatory disabled cattle or prepares a carcass,
 18 part of a carcass, or meat or meat food product, from any
 19 nonambulatory disabled cattle, for use as human food.

20 CHAPTER 2

21 DEPARTMENT OF COMMERCE

22 ECONOMIC DEVELOPMENT ADMINISTRATION

23 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

24 For an additional amount for “Economic Develop-
 25 ment Assistance Programs” for economic adjustment as-

1 sistance as authorized by section 209 of the Public Works
 2 and Economic Development Act of 1965, as amended (42
 3 U.S.C. 3149), \$50,000,000, to remain available until ex-
 4 pended: *Provided*, That in allocating funds provided in the
 5 previous proviso, the Secretary of Commerce shall give pri-
 6 ority consideration to areas of the Nation that have experi-
 7 enced sudden and severe economic dislocation and job loss
 8 due to corporate restructuring.

9 DEPARTMENT OF JUSTICE

10 UNITED STATES MARSHALS SERVICE

11 SALARIES AND EXPENSES

12 For an additional amount for “Salaries and Ex-
 13 penses”, \$50,000,000 for the United States Marshals
 14 Service, to remain available until September 30, 2009, to
 15 implement and enforce the Adam Walsh Child Protection
 16 and Safety Act (Public Law 109–248) to apprehend non-
 17 compliant sex offenders.

18 FEDERAL BUREAU OF INVESTIGATION

19 SALARIES AND EXPENSES

20 For an additional amount for “Salaries and Ex-
 21 penses”, \$5,000,000, to remain available until September
 22 30, 2009.

1 OFFICE OF JUSTICE PROGRAMS

2 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

3 For an additional amount for “State and Local Law
4 Enforcement Assistance” Edward Byrne Memorial Justice
5 Assistance Grant program as authorized by subpart 1 of
6 part E of title I of the Omnibus Crime Control and Safe
7 Street Act of 1968 (“1968 Act”), (except that section
8 1001(c), and the special rules for Puerto Rico under sec-
9 tion 505(g), of the 1968 Act, shall not apply for purposes
10 of this Act), \$490,000,000, to remain available until Sep-
11 tember 30, 2009.

12 For an additional amount for “State and Local Law
13 Enforcement Assistance”, \$100,000,000, to remain avail-
14 able until September 30, 2009, for competitive grants to
15 provide assistance and equipment to local law enforcement
16 along the Southern border and in High-Intensity Drug
17 Trafficking Areas to combat criminal narcotic activity
18 stemming from the Southern border, of which
19 \$15,000,000 shall be transferred to the “Bureau of Alco-
20 hol, Tobacco, Firearms and Explosives”, “Salaries and
21 Expenses” for the ATF Project Gunrunner.

22 COMMUNITY ORIENTED POLICING SERVICES

23 For additional amount for “Community Oriented Po-
24licing Services”, for grants under section 1701 of title I
25 of the 1968 Omnibus Crime Control and Safe Streets Act
26 (42 U.S.C. 379dd) for hiring and rehiring of additional

1 career law enforcement officers under part Q of such title
 2 notwithstanding subsection (i) of such section,
 3 \$500,000,000, to remain available until September 30,
 4 2009.

5 SCIENCE

6 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

7 RETURN TO FLIGHT

8 For necessary expenses, not otherwise provided for,
 9 in carrying out return to flight activities associated with
 10 the space shuttle and activities from which funds were
 11 transferred to accommodate return to flight activities,
 12 \$250,000,000, to remain available until September 30,
 13 2009, with such sums as determined by the Administrator
 14 of the National Aeronautics and Space Administration as
 15 available for transfer to “Science”, “Aeronautics”, “Ex-
 16 ploration”, and “Exploration Capabilities” for restoration
 17 of funds previously reallocated to meet return to flight ac-
 18 tivities.

19 RELATED AGENCY

20 LEGAL SERVICES CORPORATION

21 PAYMENT TO THE LEGAL SERVICES CORPORATION

22 For an additional amount for “Payment to the Legal
 23 Services Corporation”, \$37,500,000, to remain available
 24 until September 30, 2009, to provide legal assistance re-
 25 lated to home ownership preservation, home foreclosure

1 prevention, and tenancy associated foreclosure: *Provided*,
 2 That each limitation on expenditures, and each term or
 3 condition, that applies to funds appropriated to the Legal
 4 Services Corporation under the Consolidated Appropria-
 5 tions Act of 2008 (Public Law 110–61), shall apply to
 6 funds appropriated under this Act: *Provided further*, That
 7 priority shall be given to entities and individuals that (1)
 8 provide legal assistance in the 100 metropolitan statistical
 9 areas (as defined by the Director of the Office of Manage-
 10 ment and Budget) with the highest home foreclosure
 11 rates; and (2) have the capacity to begin using the funds
 12 within 90 days of receipt of the funds.

13 CHAPTER 3

14 DEPARTMENT OF DEFENSE—CIVIL

15 DEPARTMENT OF THE ARMY

16 CORPS OF ENGINEERS—CIVIL

17 CONSTRUCTION

18 For an additional amount for “Construction” for re-
 19 habilitation of Corps of Engineers owned and operated hy-
 20 dropower facilities and for other activities, \$400,000,000,
 21 to remain available until expended.

22 OPERATIONS AND MAINTENANCE

23 For an additional amount for “Operations and Main-
 24 tenance” to dredge navigation channels that provide ac-
 25 cess to significant energy infrastructure and for other

1 maintenance needs, \$100,000,000, to remain available
2 until expended.

3 DEPARTMENT OF THE INTERIOR

4 BUREAU OF RECLAMATION

5 WATER AND RELATED RESOURCES

6 For an additional amount for “Water and Related
7 Resources” for rehabilitation of Bureau of Reclamation
8 owned and operated hydropower facilities and for other
9 purposes, \$50,000,000, to remain available until ex-
10 pended: *Provided*, That up to \$5,000,000 can be utilized
11 by the Bureau of Reclamation to initiate a canal safety
12 program to assess the condition of Reclamation water sup-
13 ply canals.

14 DEPARTMENT OF ENERGY

15 ENERGY EFFICIENCY AND RENEWABLE ENERGY

16 For an additional amount for “Energy Efficiency and
17 Renewable Energy”, \$1,100,000,000, to remain available
18 until expended: *Provided*, That of the funds appropriated,
19 \$500,000,000 is directed to the Weatherization Assistance
20 Program: *Provided further*, That of the funds appro-
21 priated, \$300,000,000 is directed to advance battery tech-
22 nology research, development, and demonstration: *Pro-*
23 *vided further*, That of the funds appropriated,
24 \$300,000,000 is directed to competitively awarded local
25 government and tribal technology demonstration grants.

1 NON-DEFENSE ENVIRONMENTAL CLEANUP

2 For an additional amount for “Non-Defense Environ-
3 mental Cleanup”, \$120,000,000, to remain available until
4 expended.

5 URANIUM ENRICHMENT DECONTAMINATION AND
6 DECOMMISSIONING FUND

7 For an additional amount for “Uranium Enrichment
8 Decontamination and Decommissioning Fund”,
9 \$120,000,000, to remain available until expended, of
10 which \$20,000,000 shall be available in accordance with
11 title X, subtitle A, of the Energy Policy Act of 1992.

12 SCIENCE

13 For an additional amount for “Science”,
14 \$150,000,000, to remain available until expended.

15 ATOMIC ENERGY DEFENSE ACTIVITIES

16 NATIONAL NUCLEAR SECURITY ADMINISTRATION

17 WEAPONS ACTIVITIES

18 For an additional amount for “Weapons Activities”,
19 \$100,000,000, to remain available until expended.

20 ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

21 DEFENSE ENVIRONMENTAL CLEANUP

22 For an additional amount for “Defense Environ-
23 mental Cleanup”, \$510,000,000, to remain available until
24 expended.

1 GENERAL PROVISIONS—THIS CHAPTER

2 SEC. 1301. FUTUREGEN. (a) Subject to subsection
3 (b), the Secretary of Energy shall reinstate and con-
4 tinue—

5 (1) the cooperative agreement numbered DE-
6 FC-26-06NT42073 (as in effect on May 15, 2008);
7 and

8 (2) Budget Period 1, under such agreement,
9 through March 31, 2009.

10 (b) During the period beginning on the date of enact-
11 ment of this Act and ending March 31, 2009—

12 (1) The agreement described in subsection (a)
13 may not be terminated except by the mutual consent
14 of the parties to the agreement; and

15 (2) Funds may be expended under the agree-
16 ment only to complete and provide information and
17 documentation to the Department of Energy.

18 SEC. 1302. In chapter 3 of title I of division B of
19 H.R. 2638 (110th Congress) as enacted into law, the
20 paragraph under the heading “Department of Defense—
21 Civil, Department of the Army, Corps of Engineers—Civil,
22 Construction” is amended by—

23 (1) Repealing the second proviso; and

24 (2) By adding before the period the following:

25 “: *Provided further*, That the Secretary is directed to

1 provide \$1,500,000,000 of the funds appropriated
 2 under this heading to fund levee and flood protection
 3 repairs, restoration, improvements and critical coast-
 4 al restoration projects in the State of Louisiana:
 5 *Provided further*, That funds shall be expended in
 6 consultation with the State of Louisiana”.

7 CHAPTER 4

8 DEPARTMENT OF THE TREASURY

9 OFFICE OF INSPECTOR GENERAL

10 SALARIES AND EXPENSES

11 For an additional amount to be available until Sep-
 12 tember 30, 2009, \$10,550,000 to carry out the provisions
 13 of the Inspector General Act of 1978, including material
 14 loss reviews in conjunction with bank failures.

15 COMMODITY FUTURES TRADING COMMISSION

16 SALARIES AND EXPENSES

17 For an additional amount to carry out the provisions
 18 of the Commodity Exchange Act (7 U.S.C. 1 et seq.),
 19 \$13,100,000, of which \$5,100,000 shall remain available
 20 until September 30, 2009, and of which \$8,000,000 shall
 21 remain available until September 30, 2010.

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 (LIMITATION ON AVAILABILITY)

5 For an additional amount to be deposited in the Fed-
6 eral Buildings Fund, \$547,639,000, to be used by the Ad-
7 ministrator of General Services for GSA real property ac-
8 tivities; of which \$201,000,000 shall be used for construc-
9 tion, repair and alteration of border inspection facility
10 projects for any previously funded or authorized pro-
11 spectus level project, for which additional funding is re-
12 quired, to expire on September 30, 2009 and remain in
13 the Federal Buildings Fund except for funds for projects
14 as to which funds for design or other funds have been obli-
15 gated in whole or in part prior to such date; and of which
16 \$346,639,000 shall be used for the development and con-
17 struction of the St. Elizabeths campus in the District of
18 Columbia, to remain available until expended and remain
19 in the Federal Buildings Fund except for funds for
20 projects as to which funds for design or other funds have
21 been obligated in whole or in part prior to such date: *Pro-*
22 *vided*, That each of the foregoing limits of costs on new
23 construction projects may be exceeded to the extent that
24 savings are effected in other such projects, but not to ex-
25 ceed 10 percent of the amounts provided unless advance

1 approval is obtained from the Committees on Appropria-
 2 tions of a greater amount.

3 SMALL BUSINESS ADMINISTRATION

4 SALARIES AND EXPENSES

5 For an additional amount to be available until Sep-
 6 tember 30, 2009, \$4,000,000 for marketing, management,
 7 and technical assistance under section 7(m)(4) of the
 8 Small Business Act (15 U.S.C. 636(m)(4)) by inter-
 9 mediaries that make microloans under the Microloan pro-
 10 gram.

11 For an additional amount to be available until Sep-
 12 tember 30, 2009, \$600,000 for grants in the amount of
 13 \$200,000 to veterans business resource centers that re-
 14 ceived grants from the National Veterans Business Devel-
 15 opment Corporation in fiscal years 2006 and 2007.

16 BUSINESS LOANS PROGRAM ACCOUNT

17 For an additional amount for the cost of direct loans,
 18 \$1,000,000, to remain available until September 30, 2009;
 19 and for an additional amount for the cost of guaranteed
 20 loans, \$200,000,000, to remain available until September
 21 30, 2009: *Provided*, That of the amount for the cost of
 22 guaranteed loans, \$152,000,000 shall be for loan subsidies
 23 and loan modifications for loans to small business con-
 24 cerns authorized under section 1401 of this Act;
 25 \$34,000,000 shall be for the increased veteran participa-

tion pilot program under paragraph (33) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as redesignated by section 1401 of this Act; and \$14,000,000 shall be for the energy efficient technologies pilot program under section 7(a)(32) of the Small Business Act (15 U.S.C. 636(a)(32)): *Provided further*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

ADMINISTRATION

SEC. 1401. ECONOMIC STIMULUS FOR SMALL BUSINESS CONCERNS. (a) REDUCTION OF FEES.—

(1) IN GENERAL.—Until September 30, 2009, and to the extent the cost of such reduction in fees is offset by appropriations, with respect to each loan guaranteed under section 7(a) of Small Business Act (15 U.S.C. 636(a)) for which the application is approved on or after the date of enactment of this Act, the Administrator shall—

(A) in lieu of the fee otherwise applicable under section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)), collect an annual fee in an amount equal to a maximum

1 of .25 percent of the outstanding balance of the
 2 deferred participation share of that loan;

3 (B) in lieu of the fee otherwise applicable
 4 under section 7(a)(18)(A) of the Small Busi-
 5 ness Act (15 U.S.C. 636(a)(18)(A)), collect a
 6 guarantee fee in an amount equal to a max-
 7 imum of—

8 (i) 1 percent of the deferred participa-
 9 tion share of a total loan amount that is
 10 not more than \$150,000;

11 (ii) 2.5 percent of the deferred partici-
 12 pation share of a total loan amount that is
 13 more than \$150,000 and not more than
 14 \$700,000; and

15 (iii) 3 percent of the deferred partici-
 16 pation share of a total loan amount that is
 17 more than \$700,000; and

18 (C) in lieu of the fee otherwise applicable
 19 under section 7(a)(18)(A)(iv) of the Small
 20 Business Act (15 U.S.C. 636(a)(18)(A)(iv)),
 21 collect no fee.

22 (2) IMPLEMENTATION.—In carrying out this
 23 subsection, the Administrator shall reduce the fees
 24 for a loan guaranteed under section 7(a) of Small
 25 Business Act (15 U.S.C. 636(a)) to the maximum

1 extent possible, subject to the availability of appro-
2 priations.

3 (b) TECHNICAL CORRECTION.—Section 7(a) of the
4 Small Business Act (15 U.S.C. 636(a)) is amended by re-
5 designating paragraph (32) relating to an increased vet-
6 eran participation pilot program, as added by section 208
7 of the Military Reservist and Veteran Small Business Re-
8 authorization and Opportunity Act of 2008 (Public Law
9 110–186; 122 Stat. 631), as paragraph (33).

10 (c) APPLICATION OF FEE REDUCTIONS.—The Ad-
11 ministrator shall reduce the fees under subsection (a) for
12 any loan guarantee subject to such subsection for which
13 the application is approved on or after the date of enact-
14 ment of this Act, until the amount provided for such pur-
15 pose under the heading “Business Loans Program Ac-
16 count” under the heading “Small Business Administra-
17 tion” under this Act is expended.

18 (d) DEFINITIONS.—In this section—

19 (1) the terms “Administration” and “Adminis-
20 trator” mean the Small Business Administration
21 and the Administrator thereof, respectively; and

22 (2) the term “small business concern” has the
23 same meaning as in section 3 of the Small Business
24 Act (15 U.S.C. 632).

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For an additional amount for the “Office of the Under Secretary for Management”, \$120,000,000, to remain available until expended, solely for planning, design, and construction costs to consolidate the Department of Homeland Security headquarters.

U.S. CUSTOMS AND BORDER PROTECTION

For an additional amount for “Border Security, Fencing, Infrastructure, and Technology”, \$215,000,000, to remain available until expended, for construction of border fencing on the Southwest border.

CONSTRUCTION

For an additional amount for “Construction”,
\$100,000,000, to remain available until expended, for the
purpose of repair and construction of inspection facilities
at land border ports of entry.

1 COAST GUARD

2 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

3 For an additional amount for “Acquisition, Construc-
4 tion and Improvements” for the acquisition of a new polar
5 icebreaker or for necessary expenses related to the service
6 life extension of existing Coast Guard polar icebreakers,
7 \$925,000,000, to remain available until expended.

8 OFFICE OF HEALTH AFFAIRS

9 For an additional amount for the “Office of Health
10 Affairs”, \$27,000,000, to remain available until Sep-
11 tember 30, 2009, for the BioWatch environmental moni-
12 toring system.

13 FEDERAL LAW ENFORCEMENT TRAINING CENTER

14 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND

15 RELATED EXPENSES

16 For an additional amount for “Acquisitions, Con-
17 struction, Improvements, and Related Expenses”,
18 \$9,000,000, to remain available until expended, for secu-
19 rity upgrades to the Federal Law Enforcement Training
20 Center’s border-related training facilities.

1 CHAPTER 6
2 ENVIRONMENTAL PROTECTION AGENCY
3 SCIENCE AND TECHNOLOGY

4 For an additional amount for “Science and Tech-
5 nology”, \$10,600,000, to remain available until September
6 30, 2010, for urgent bio-defense research activities.

7 HAZARDOUS SUBSTANCE SUPERFUND

8 For an additional amount for “Hazardous Substance
9 Superfund”, \$24,165,000, to remain available until ex-
10 pended, for urgent decontamination and laboratory re-
11 sponse activities.

12 STATE AND TRIBAL ASSISTANCE GRANTS

13 For an additional amount for “State and Tribal As-
14 sistance Grants”, \$600,000,000, to remain available until
15 expended, for making capitalization grants for the Clean
16 Water State Revolving Funds under title VI of the Federal
17 Water Pollution Control Act, as amended.

18 GENERAL PROVISIONS—THIS CHAPTER

19 SEC. 1601. SECURE RURAL SCHOOLS ACT AMEND-
20 MENT. (a) For fiscal year 2008, payments shall be made
21 from any revenues, fees, penalties, or miscellaneous re-
22 ceipts described in sections 102(b)(3) and 103(b)(2) of the
23 Secure Rural Schools and Community Self-Determination
24 Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note),
25 not to exceed \$100,000,000, and the payments shall be

1 made, to the maximum extent practicable, in the same
 2 amounts, for the same purposes, and in the same manner
 3 as were made to States and counties in 2006 under that
 4 Act.

5 (b) There is appropriated \$400,000,000, to remain
 6 available until December 31, 2008, to be used to cover
 7 any shortfall for payments made under this section from
 8 funds not otherwise appropriated.

9 (c) Titles II and III of Public Law 106–393 are
 10 amended, effective September 30, 2006, by striking
 11 “2007” and “2008” each place they appear and inserting
 12 “2008” and “2009”, respectively.

13 SEC. 1602. Notwithstanding any other provision of
 14 law, including section 152 of division A of H.R. 2638
 15 (110th Congress), the Consolidated Security, Disaster As-
 16 sistance, and Continuing Appropriations Act, 2009, the
 17 terms and conditions contained in section 433 of division
 18 F of Public Law 110–161 shall remain in effect for the
 19 fiscal year ending September 30, 2009.

20 CHAPTER 7

21 DEPARTMENT OF LABOR

22 EMPLOYMENT AND TRAINING ADMINISTRATION

23 TRAINING AND EMPLOYMENT SERVICES

24 For an additional amount for “Training and Employ-
 25 ment Services” under the Employment and Training Ad-

1 ministration, \$600,000,000, for youth activities and dis-
 2 located worker activities authorized by the Workforce In-
 3 vestment Act of 1998 (“WIA”): *Provided*, That
 4 \$300,000,000 shall be for youth activities and available
 5 for the period April 1, 2008 through June 30, 2009: *Pro-*
 6 *vided further*, That \$300,000,000 shall be for dislocated
 7 worker employment and training activities and available
 8 for the period July 1, 2008 through June 30, 2009: *Pro-*
 9 *vided further*, That no portion of funds available under
 10 this heading in this Act shall be reserved to carry out sec-
 11 tion 127(b)(1)(A), section 128(a), or section 133(a) of the
 12 WIA: *Provided further*, That the work readiness perform-
 13 ance indicator described in section 136(b)(2)(A)(ii)(I) of
 14 the WIA shall be the only measure of performance used
 15 to assess the effectiveness of the youth activities, and that
 16 the performance indicators in section 136(b)(2)(A)(i) of
 17 the WIA shall be the measures of performance used to
 18 assess the effectiveness of the dislocated worker activities
 19 funded with such funds.

20 DEPARTMENT OF HEALTH AND HUMAN
 21 SERVICES

22 CENTERS FOR DISEASE CONTROL AND PREVENTION

23 DISEASE CONTROL, RESEARCH, AND TRAINING

24 For an additional amount for “Disease Control, Re-
 25 search, and Training”, \$46,000,000, to remain available

1 through September 30, 2009, of which \$20,000,000 shall
 2 be to continue and expand investigations to determine the
 3 root causes of disease clusters, including but not limited
 4 to polycythemia vera clusters; of which \$21,000,000 shall
 5 be for the prevention of and response to medical errors
 6 including research, education and outreach activities; and
 7 of which \$5,000,000 shall be for responding to outbreaks
 8 of communicable diseases related to the re-use of syringes
 9 in outpatient clinics, including reimbursement of local
 10 health departments for testing and genetic sequencing of
 11 persons potentially exposed.

12 NATIONAL INSTITUTES OF HEALTH

13 OFFICE OF THE DIRECTOR

14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Office of the Direc-
 16 tor”, \$1,200,000,000, which shall be transferred to the In-
 17 stitutes and Centers of the National Institutes of Health
 18 and to the Common Fund established under section
 19 402A(c)(1) of the Public Health Service Act in proportion
 20 to the appropriations otherwise made to such Institutes,
 21 Centers, and Common Fund for fiscal year 2008: *Pro-*
 22 *vided*, That these funds shall be available through Sep-
 23 tember 30, 2009: *Provided further*, That these funds shall
 24 be used to support additional scientific research and be
 25 available for the same purposes as the appropriation or
 26 fund to which transferred: *Provided further*, That this

1 transfer authority is in addition to any other transfer au-
 2 thority available to the National Institutes of Health: *Pro-*
 3 *vided further*, That none of these funds may be transferred
 4 to “National Institutes of Health—Buildings and Facili-
 5 ties”, the Center for Scientific Review, the Center for In-
 6 formation Technology, the Clinical Center, the Global
 7 Fund for HIV/AIDS, Tuberculosis and Malaria, or the Of-
 8 fice of the Director (except for the transfer to the Common
 9 Fund).

10 ADMINISTRATION ON AGING

11 AGING SERVICES PROGRAMS

12 For an additional amount for “Aging Services Pro-
 13 grams”, \$60,000,000, of which \$40,750,000 shall be for
 14 Congregate Nutrition Services and \$19,250,000 shall be
 15 for Home-Delivered Nutrition Services: *Provided*, That
 16 these funds shall remain available through September 30,
 17 2009.

18 OFFICE OF THE SECRETARY

19 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

20 FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for the “Public Health and
 23 Social Services Emergency Fund” to support activities re-
 24 lated to countering potential biological, nuclear, radio-
 25 logical and chemical threats to civilian populations, and
 26 for other public health emergencies, \$542,000,000, to re-

1 main available through September 30, 2009: *Provided*,
2 That \$473,000,000 is for advanced research and develop-
3 ment of medical countermeasures and ancillary products:
4 *Provided further*, That \$50,000,000 is available to support
5 the delivery of medical countermeasures, of which up to
6 \$20,000,000 may be made available to the United States
7 Postal Service to support such delivery.

8 For an additional amount for the “Public Health and
9 Social Services Emergency Fund” to prepare for and re-
10 spond to an influenza pandemic, \$363,000,000, to remain
11 available through September 30, 2009 for activities includ-
12 ing the development and purchase of vaccine, antivirals,
13 necessary medical supplies, diagnostics, and other surveil-
14 lance tools: *Provided*, That products purchased with these
15 funds may, at the discretion of the Secretary, be deposited
16 in the Strategic National Stockpile: *Provided further*, That
17 notwithstanding section 496(b) of the Public Health Serv-
18 ice Act, funds may be used for the construction or renova-
19 tion of privately owned facilities for the production of pan-
20 demic influenza vaccines and other biologics, where the
21 Secretary finds such a contract necessary to secure suffi-
22 cient supplies of such vaccines or biologics: *Provided fur-*
23 *ther*, That funds appropriated herein may be transferred
24 to other appropriation accounts of the Department of
25 Health and Human Services, as determined by the Sec-

1 retary to be appropriate, to be used for the purposes speci-
2 fied in this sentence.

3 DEPARTMENT OF EDUCATION

4 For carrying out section 1702 of this Act,
5 \$2,000,000,000, which shall be available for obligation
6 from July 1, 2008 through September 30, 2009.

7 SCHOOL IMPROVEMENT PROGRAMS

8 For an additional amount for “School Improvement
9 Programs”, \$36,000,000, for carrying out activities au-
10 thorized by subtitle B of title VII of the McKinney-Vento
11 Homeless Assistance Act: *Provided*, That the Secretary
12 shall make such funds available on a competitive basis to
13 local educational agencies that demonstrate a high need
14 for such assistance: *Provided further*, That these funds
15 shall remain available through September 30, 2009.

16 GENERAL PROVISIONS—THIS CHAPTER

17 SEC. 1701. REPORT ON THE IMPACT OF PAST AND
18 FUTURE MINIMUM WAGE INCREASES. (a) IN GENERAL.—
19 Section 8104 of the U.S. Troop Readiness, Veterans’
20 Care, Katrina Recovery, and Iraq Accountability Appro-
21 priations Act, 2007 (Public Law 110–28; 121 Stat. 189)
22 is amended to read as follows:

23 **“SEC. 8104. REPORT ON THE IMPACT OF PAST AND FUTURE**
24 **MINIMUM WAGE INCREASES.**

25 “(a) STUDY.—Beginning on the date that is 60 days
26 after the date of enactment of this Act, and every year

1 thereafter until the minimum wage in the respective terri-
2 tory is \$7.25 per hour, the Government Accountability Of-
3 fice shall conduct a study to—

4 “(1) assess the impact of the minimum wage
5 increases that occurred in American Samoa and the
6 Commonwealth of the Northern Mariana Islands in
7 2007 and 2008, as required under Public Law 110–
8 28, on the rates of employment and the living stand-
9 ards of workers, with full consideration of the other
10 factors that impact rates of employment and the liv-
11 ing standards of workers such as inflation in the
12 cost of food, energy, and other commodities; and

13 “(2) estimate the impact of any further wage
14 increases on rates of employment and the living
15 standards of workers in American Samoa and the
16 Commonwealth of the Northern Mariana Islands,
17 with full consideration of the other factors that may
18 impact the rates of employment and the living
19 standards of workers, including assessing how the
20 profitability of major private sector firms may be
21 impacted by wage increases in comparison to other
22 factors such as energy costs and the value of tax
23 benefits.

24 “(b) REPORT.—No earlier than March 15, 2009, and
25 not later than April 15, 2009, the Government Account-

1 ability Office shall transmit its first report to Congress
2 concerning the findings of the study required under sub-
3 section (a). The Government Accountability Office shall
4 transmit any subsequent reports to Congress concerning
5 the findings of a study required by subsection (a) between
6 March 15 and April 15 of each year.

7 “(c) ECONOMIC INFORMATION.—To provide suffi-
8 cient economic data for the conduct of the study under
9 subsection (a)—

10 “(1) the Department of Labor shall include and
11 separately report on American Samoa and the Com-
12 monwealth of the Northern Mariana Islands in its
13 household surveys and establishment surveys;

14 “(2) the Bureau of Economic Analysis of the
15 Department of Commerce shall include and sepa-
16 rately report on American Samoa and the Common-
17 wealth of the Northern Mariana Islands in its gross
18 domestic product data; and

19 “(3) the Bureau of the Census of the Depart-
20 ment of Commerce shall include and separately re-
21 port on American Samoa and the Commonwealth of
22 the Northern Mariana Islands in its population esti-
23 mates and demographic profiles from the American
24 Community Survey,

1 with the same regularity and to the same extent as the
 2 Department or each Bureau collects and reports such data
 3 for the 50 States. In the event that the inclusion of Amer-
 4 ican Samoa and the Commonwealth of the Northern Mar-
 5 iana Islands in such surveys and data compilations re-
 6 quires time to structure and implement, the Department
 7 of Labor, the Bureau of Economic Analysis, and the Bu-
 8 reau of the Census (as the case may be) shall in the in-
 9 terim annually report the best available data that can fea-
 10 sibly be secured with respect to such territories. Such in-
 11 terim reports shall describe the steps the Department or
 12 the respective Bureau will take to improve future data col-
 13 lection in the territories to achieve comparability with the
 14 data collected in the United States. The Department of
 15 Labor, the Bureau of Economic Analysis, and the Bureau
 16 of the Census, together with the Department of the Inte-
 17 rior, shall coordinate their efforts to achieve such improve-
 18 ments.”.

19 (b) EFFECTIVE DATE.—The amendment made by
 20 this section shall take effect on the date of enactment of
 21 this Act.

22 SEC. 1702. GRANTS FOR SCHOOL RENOVATION. (a)
 23 ALLOCATION OF FUNDS.—

24 (1) RESERVATION.—From the funds appro-
 25 priated to carry out this section for a fiscal year, the

1 Secretary shall reserve 1 percent to provide assist-
 2 ance under this section to the outlying areas and for
 3 payments to the Secretary of the Interior to provide
 4 assistance consistent with this section to schools
 5 funded by the Bureau of Indian Education. Funds
 6 reserved under this subsection shall be distributed
 7 by the Secretary among the outlying areas and the
 8 Secretary of the Interior on the basis of their rel-
 9 ative need, as determined by the Secretary, in ac-
 10 cordance with the purposes of this section.

11 (2) ALLOCATION TO STATE EDUCATIONAL
 12 AGENCIES.—After making the reservation described
 13 in paragraph (1), from the remainder of the appro-
 14 priated funds described in paragraph (1), the Sec-
 15 retary shall allocate to each State educational agen-
 16 cy serving a State an amount that bears the same
 17 relation to the remainder for the fiscal year as the
 18 amount the State received under part A of title I of
 19 such Act for fiscal year 2008 bears to the amount
 20 all States received under such part for fiscal year
 21 2008, except that no such State educational agency
 22 shall receive less than 0.5 percent of the amount al-
 23 located under this paragraph.

24 (b) WITHIN-STATE ALLOCATIONS.—

25 (1) ADMINISTRATIVE COSTS.—

1 (A) STATE EDUCATIONAL AGENCY ADMIN-
 2 ISTRATION.—Except as provided in subpara-
 3 graph (C), each State educational agency may
 4 reserve not more than 1 percent of its allocation
 5 under subsection (a)(2) or \$1,000,000, which-
 6 ever is less, for the purpose of administering
 7 the distribution of grants under this subsection.

8 (B) REQUIRED USES.—The State edu-
 9 cational agency shall use a portion of the re-
 10 served funds to establish or support a State-
 11 level database of public school facility inventory,
 12 condition, design, and utilization.

13 (C) STATE ENTITY ADMINISTRATION.—If
 14 the State educational agency transfers funds to
 15 a State entity described in paragraph (2)(A),
 16 the State educational agency shall transfer to
 17 such entity 0.75 of the amount reserved under
 18 this paragraph for the purpose of administering
 19 the distribution of grants under this subsection.

20 (2) RESERVATION FOR COMPETITIVE SCHOOL
 21 REPAIR AND RENOVATION GRANTS TO LOCAL EDU-
 22 CATIONAL AGENCIES.—

23 (A) IN GENERAL.—Subject to the reserva-
 24 tion under paragraph (1), of the funds allocated
 25 to a State educational agency under subsection

(a)(2), the State educational agency shall distribute 100 percent of such funds to local educational agencies or, if such State educational agency is not responsible for the financing of education facilities, the State educational agency shall transfer such funds to the State entity responsible for the financing of education facilities (referred to in this section as the “State entity”) for distribution by such entity to local educational agencies in accordance with this paragraph, to be used, consistent with subsection (c), for school repair and renovation.

(B) COMPETITIVE GRANTS TO LOCAL EDUCATIONAL AGENCIES.—The State educational agency or State entity shall carry out a program awarding grants, on a competitive basis, to local educational agencies for the purpose described in subparagraph (A). Of the total amount available for distribution to local educational agencies under this paragraph, the State educational agency or State entity, shall, in carrying out the grant competition—

(i) award to high-need local educational agencies, in the aggregate, at least an amount which bears the same relation-

1 ship to such total amount as the aggregate
2 amount such high-need local educational
3 agencies received under part A of title I of
4 the Elementary and Secondary Education
5 Act of 1965 (20 U.S.C. 6311 et seq.) for
6 fiscal year 2008 bears to the aggregate
7 amount received for such fiscal year under
8 such part by all local educational agencies
9 in the State;

10 (ii) award to rural local educational
11 agencies in the State, in the aggregate, at
12 least an amount which bears the same re-
13 lationship to such total amount as the ag-
14 gregate amount such rural local edu-
15 cational agencies received under such part
16 for fiscal year 2008 bears to the aggregate
17 amount received for such fiscal year under
18 such part by all local educational agencies
19 in the State; and

20 (iii) award the remaining funds to
21 local educational agencies not receiving an
22 award under clause (i) or (ii), including
23 high-need local educational agencies and
24 rural local educational agencies that did
25 not receive such an award.

(C) CRITERIA FOR AWARDING GRANTS.—

In awarding competitive grants under this paragraph, a State educational agency or State entity shall take into account the following criteria:

(i) PERCENTAGE OF POOR CHILDREN.—The percentage of poor children 5 to 17 years of age, inclusive, in a local educational agency.

(ii) NEED FOR SCHOOL REPAIR AND RENOVATION.—The need of a local educational agency for school repair and renovation, as demonstrated by the condition of the public school facilities of the local educational agency.

(iii) FISCAL CAPACITY.—The fiscal capacity of a local educational agency to meet the needs of the local educational agency for repair and renovation of public school facilities without assistance under this section, including the ability of the local educational agency to raise funds through the use of local bonding capacity and otherwise.

(iv) CHARTER SCHOOL ACCESS TO FUNDING.—In the case of a local edu-

1 cational agency that proposes to fund a re-
 2 pair or renovation project for a charter
 3 school, the extent to which the school has
 4 access to funding for the project through
 5 the financing methods available to other
 6 public schools or local educational agencies
 7 in the State.

8 (v) LIKELIHOOD OF MAINTAINING
 9 THE FACILITY.—The likelihood that the
 10 local educational agency will maintain, in
 11 good condition, any facility whose repair or
 12 renovation is assisted under this section.

13 (D) MATCHING REQUIREMENT.—

14 (i) IN GENERAL.—A State educational
 15 agency or State entity shall require local
 16 educational agencies to match funds
 17 awarded under this subsection.

18 (ii) MATCH AMOUNT.—The amount of
 19 a match described in clause (i) may be es-
 20 tablished by using a sliding scale that
 21 takes into account the relative poverty of
 22 the population served by the local edu-
 23 cational agency.

24 (c) RULES APPLICABLE TO SCHOOL REPAIR AND
 25 RENOVATION.—With respect to funds made available

1 under this section that are used for school repair and ren-
2 ovation, the following rules shall apply:

3 (1) PERMISSIBLE USES OF FUNDS.—School re-
4 pair and renovation shall be limited to 1 or more of
5 the following:

6 (A) EMERGENCY REPAIRS OR RENOVA-
7 TIONS.—Emergency repairs or renovations to
8 public school facilities only to ensure the health
9 and safety of students and staff, including—

10 (i) repairing, replacing, or installing
11 roofs, windows, doors, electrical wiring,
12 plumbing systems, or sewage systems;

13 (ii) repairing, replacing, or installing
14 heating, ventilation, or air conditioning
15 systems (including insulation); and

16 (iii) bringing public schools into com-
17 pliance with fire and safety codes.

18 (B) MODIFICATIONS FOR COMPLIANCE
19 WITH THE AMERICANS WITH DISABILITIES ACT
20 OF 1990.—School facilities modifications nec-
21 essary to render public school facilities acces-
22 sible in order to comply with the Americans
23 with Disabilities Act of 1990 (42 U.S.C. 12101
24 et seq.).

1 (C) MODIFICATIONS FOR COMPLIANCE
 2 WITH SECTION 504 OF THE REHABILITATION
 3 ACT OF 1973.—School facilities modifications
 4 necessary to render public school facilities ac-
 5 cessible in order to comply with section 504 of
 6 the Rehabilitation Act of 1973 (29 U.S.C. 794).

7 (D) ASBESTOS ABATEMENT OR RE-
 8 MOVAL.—Asbestos abatement or removal from
 9 public school facilities.

10 (E) CHARTER SCHOOL BUILDING INFRA-
 11 STRUCTURE.—Renovation and repair needs re-
 12 lated to the building infrastructure of a charter
 13 school.

14 (2) IMPERMISSIBLE USES OF FUNDS.—No
 15 funds received under this section may be used for—

16 (A) payment of maintenance costs in con-
 17 nection with any projects constructed in whole
 18 or part with Federal funds provided under this
 19 section;

20 (B) the construction of new facilities; or

21 (C) stadiums or other facilities primarily
 22 used for athletic contests or exhibitions or other
 23 events for which admission is charged to the
 24 general public.

1 (3) SUPPLEMENT, NOT SUPPLANT.—Excluding
2 the uses described in subparagraphs (B) and (C) of
3 paragraph (1), a local educational agency shall use
4 Federal funds subject to this subsection only to sup-
5 plement the amount of funds that would, in the ab-
6 sence of such Federal funds, be made available from
7 non-Federal sources for school repair and renova-
8 tion.

9 (d) QUALIFIED BIDDERS; COMPETITION.—Each local
10 educational agency that receives funds under this section
11 shall ensure that, if the local educational agency carries
12 out repair or renovation through a contract, any such con-
13 tract process ensures the maximum number of qualified
14 bidders, including small, minority, and women-owned busi-
15 nesses, through full and open competition.

16 (e) REPORTING.—

17 (1) LOCAL REPORTING.—Each local educational
18 agency receiving funds made available under sub-
19 section (a)(2) shall submit a report to the State edu-
20 cational agency, at such time as the State edu-
21 cational agency may require, describing the use of
22 such funds for school repair and renovation.

23 (2) STATE REPORTING.—Each State edu-
24 cational agency receiving funds made available under
25 subsection (a)(2) shall submit to the Secretary, not

1 later than December 31, 2010, a report on the use
 2 of funds received under subsection (a)(2) and made
 3 available to local educational agencies for school re-
 4 pair and renovation.

5 (f) REALLOCATION.—If a State educational agency
 6 does not apply for an allocation of funds under subsection
 7 (a)(2) for a fiscal year, or does not use its entire allocation
 8 for such fiscal year, then the Secretary may reallocate the
 9 amount of the State educational agency’s allocation (or
 10 the remainder thereof, as the case may be) for such fiscal
 11 year to the remaining State educational agencies in ac-
 12 cordance with subsection (a)(2).

13 (g) DEFINITIONS.—For purposes of this section:

14 (1) CHARTER SCHOOL.—The term “charter
 15 school” has the meaning given the term in section
 16 5210 of the Elementary and Secondary Education
 17 Act of 1965 (20 U.S.C. 7221i).

18 (2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
 19 CY.—The term “high-need local educational agency”
 20 has the meaning given the term in section
 21 2102(3)(A) of such Act (20 U.S.C. 6602(3)(A)).

22 (3) LOCAL EDUCATIONAL AGENCY; SECRETARY;
 23 STATE EDUCATIONAL AGENCY.—The terms “local
 24 educational agency”, “Secretary”, and “State edu-

1 cational agency” have the meanings given the terms
 2 in section 9101 of such Act (20 U.S.C. 7801).

3 (4) OUTLYING AREA.—The term “outlying
 4 area” has the meaning given the term in section
 5 1121(c) of such Act (20 U.S.C. 6331(c)).

6 (5) POOR CHILDREN.—The term “poor chil-
 7 dren” refers to children 5 to 17 years of age, inclu-
 8 sive, who are from families with incomes below the
 9 poverty line (as defined by the Office of Manage-
 10 ment and Budget and revised annually in accordance
 11 with section 673(2) of the Community Services
 12 Block Grant Act (42 U.S.C. 9902(2)) applicable to
 13 a family of the size involved for the most recent fis-
 14 cal year for which data satisfactory to the Secretary
 15 are available.

16 (6) RURAL LOCAL EDUCATIONAL AGENCY.—
 17 The term “rural local educational agency” means a
 18 local educational agency that the State determines is
 19 located in a rural area using objective data and a
 20 commonly employed definition of the term “rural”.

21 (7) STATE.—The term “State” means each of
 22 the several states of the United States, the District
 23 of Columbia, and the Commonwealth of Puerto Rico.

24 SEC. 1703. RESTORATION OF ACCESS TO NOMINAL
 25 DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CEN-

1 TERS. (a) IN GENERAL.—Section 1927(c)(1)(D) of the So-
 2 cial Security Act (42 U.S.C. §1396r-8(c)(1)(D)), as added
 3 by section 6001(d)(2) of the Deficit Reduction Act of
 4 2005 (Public Law 109–171), is amended—

5 (1) in clause (i)—

6 (A) by redesignating subclause (IV) as
 7 subclause (VI); and

8 (B) by inserting after subclause (III) the
 9 following:

10 “(IV) An entity that—

11 “(aa) is described in section
 12 501(c)(3) of the Internal Rev-
 13 enue Code of 1986 and exempt
 14 from tax under section 501(a) of
 15 such Act or is State-owned or op-
 16 erated; and

17 “(bb) would be a covered en-
 18 tity described in section
 19 340(B)(a)(4) of the Public
 20 Health Service Act insofar as the
 21 entity provides the same type of
 22 services to the same type of pop-
 23 ulations as a covered entity de-
 24 scribed in such section provides,
 25 but does not receive funding

1 under a provision of law referred
2 to in such section.

3 “(V) A public or nonprofit entity,
4 or an entity based at an institution of
5 higher learning whose primary pur-
6 pose is to provide health care services
7 to students of that institution, that
8 provides a service or services de-
9 scribed under section 1001(a) of the
10 Public Health Service Act.”; and

11 (2) by adding at the end the following new
12 clause:

13 “(iv) RULE OF CONSTRUCTION.—
14 Nothing in this subparagraph shall be con-
15 strued to alter any existing statutory or
16 regulatory prohibition on services with re-
17 spect to an entity described in subclause
18 (IV) or (V) of clause (i), including the pro-
19 hibition set forth in section 1008 of the
20 Public Health Service Act.”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall take effect as if included in the amend-
23 ment made by section 6001(d)(2) of the Deficit Reduction
24 Act of 2005.

1 CHAPTER 8
2 LEGISLATIVE BRANCH
3 CAPITOL POLICE
4 GENERAL EXPENSES

5 For an additional amount for “Capitol Police, Gen-
6 eral Expenses”, \$55,000,000 for costs associated with a
7 radio modernization system, to remain available until ex-
8 pended: *Provided*, That the Chief of the Capitol Police
9 may not obligate any of the funds appropriated under this
10 heading without approval of an obligation plan by the
11 Committees on Appropriations of the Senate and the
12 House of Representatives.

13 CHAPTER 9
14 DEPARTMENT OF TRANSPORTATION
15 FEDERAL AVIATION ADMINISTRATION
16 SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT
17 INVESTMENT

18 For an additional amount for capital expenditures
19 authorized under section 47102(3) of title 49, United
20 States Code, \$400,000,000, to remain available until Sep-
21 tember 30, 2009: *Provided*, That the Secretary of Trans-
22 portation shall distribute funds provided under this head-
23 ing as discretionary grants to airports that demonstrate
24 to her satisfaction their ability to obligate these funds
25 within 180 days of the date of such distribution and shall

1 serve to supplement and not supplant planned expendi-
 2 tures from airport-generated revenues or from other State
 3 and local sources on such activities: *Provided further*, That
 4 no funds provided under this heading shall be used for
 5 activities not identified on an airport layout plan: *Provided*
 6 *further*, That projects conducted using funds provided
 7 under this heading must comply with the requirements of
 8 subchapter IV of chapter 31 of title 40, United States
 9 Code.

10 FEDERAL HIGHWAY ADMINISTRATION

11 SUPPLEMENTAL GRANTS TO STATES FOR FEDERAL-AID

12 HIGHWAY INVESTMENT

13 For an additional amount for restoration, repair, con-
 14 struction and other activities eligible under paragraph (b)
 15 of section 133 of title 23, United States Code,
 16 \$8,000,000,000, to remain available until September 30,
 17 2009: *Provided*, That such funds shall be apportioned to
 18 States using the formula set forth in section 104(b)(3) of
 19 such title: *Provided further*, That funding provided under
 20 this heading shall be in addition to any and all funds pro-
 21 vided for fiscal years 2008 and 2009 in any other Act for
 22 “Federal-aid Highways” and shall not affect the distribu-
 23 tion of funds provided for “Federal-aid Highways” in any
 24 other Act: *Provided further*, That the Secretary of Trans-
 25 portation shall institute measures to ensure that funds

1 provided under this heading shall be obligated within 90
 2 days of the date of their apportionment, and shall serve
 3 to supplement and not supplant planned expenditures by
 4 States and localities on such activities from other Federal,
 5 State, and local sources: *Provided further*, That 90 days
 6 following the date of such apportionment, the Secretary
 7 shall withdraw and redistribute any unobligated funds uti-
 8 lizing whatever method she deems appropriate to ensure
 9 that all funds provided under this heading shall be obli-
 10 gated promptly: *Provided further*, That projects conducted
 11 using funds provided under this heading must comply with
 12 the requirements of subchapter IV of chapter 31 of title
 13 40, United States Code: *Provided further*, That for the
 14 purposes of the definition of States for this paragraph,
 15 sections 101(a)(32) of title 23, United States Code, shall
 16 apply.

17 FEDERAL RAILROAD ADMINISTRATION

18 SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL

19 RAILROAD PASSENGER CORPORATION

20 For an additional amount for the immediate invest-
 21 ment in capital projects necessary to maintain and im-
 22 prove national intercity passenger rail service,
 23 \$350,000,000, to remain available until September 30,
 24 2009: *Provided*, That funds made available under this
 25 heading shall be allocated directly to the corporation for

1 the purpose of immediate investment in capital projects
 2 including the rehabilitation of rolling stock for the purpose
 3 of expanding passenger rail capacity: *Provided further*,
 4 that the Board of Directors shall take measures to ensure
 5 that funds provided under this heading shall be obligated
 6 within 180 days of the enactment of this Act and shall
 7 serve to supplement and not supplant planned expendi-
 8 tures for such activities from other Federal, State, local
 9 and corporate sources: *Provided further*, That said Board
 10 of Directors shall certify to the House and Senate Com-
 11 mittees on Appropriations in writing their compliance with
 12 the preceding proviso: *Provided further*, That not more
 13 than 50 percent of the funds provided under this heading
 14 may be used for capital projects along the Northeast Cor-
 15 ridor.

16 FEDERAL TRANSIT ADMINISTRATION

17 SUPPLEMENTAL DISCRETIONARY GRANTS FOR PUBLIC

18 TRANSIT INVESTMENT

19 For an additional amount for capital expenditures
 20 authorized under section 5302(a)(1) of title 49, United
 21 States Code, \$2,000,000,000, to remain available until
 22 September 30, 2009: *Provided*, That the Secretary of
 23 Transportation shall apportion funds provided under this
 24 heading based on the formula set forth in subsections (a)
 25 through (c) of section 5336 of title 49, United States

1 Code: *Provided further*, That the Secretary shall take such
2 measures necessary to ensure that the minimum amount
3 of funding distributed under this heading to any individual
4 transit authority shall not be less than \$100,000: *Provided*
5 *further*, That the Secretary of Transportation shall insti-
6 tute measures to ensure that funds provided under this
7 heading shall be obligated within 90 days of the date of
8 their apportionment, and shall serve to supplement and
9 not supplant planned expenditures by States and localities
10 on such activities from other Federal, State and local
11 sources as well as transit authority revenues: *Provided fur-*
12 *ther*, That 90 days following the date of such apportion-
13 ment, the Secretary shall withdraw and redistribute any
14 unobligated funds utilizing whatever method she deems
15 appropriate to ensure that all funds provided under this
16 paragraph shall be obligated promptly: *Provided further*,
17 That the Secretary of Transportation shall make such
18 funds available to pay for operating expenses to the extent
19 that a transit authority demonstrates to her satisfaction
20 that such funds are necessary to continue current services
21 or expand such services to meet increased ridership: *Pro-*
22 *vided further*, That the funds appropriated under this
23 heading shall be subject to section 5333(a) of title 49,
24 United States Code but shall not be comingled with funds
25 available under the Formula and Bus Grants account.

1 MARITIME ADMINISTRATION
2 SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL
3 SHIPYARDS

4 For an additional amount to make grants to qualified
5 shipyards as authorized under section 3506 of Public Law
6 109–163 or section 54101 of title 46, United States Code,
7 \$44,000,000, to remain available until September 30,
8 2009: *Provided*, That the Secretary of Transportation
9 shall institute measures to ensure that funds provided
10 under this heading shall be obligated within 180 days of
11 the date of their apportionment: *Provided further*, That
12 not to exceed 2 percent of the funds appropriated under
13 this heading shall be available for necessary costs of grant
14 administration.

15 DEPARTMENT OF HOUSING AND URBAN
16 DEVELOPMENT

17 SUPPLEMENTAL GRANTS TO PUBLIC HOUSING
18 AGENCIES FOR CAPITAL NEEDS

19 For an additional amount for discretionary grants to
20 public housing agencies for capital expenditures permitted
21 under section 9(d)(1) of the United States Housing Act
22 of 1937, as amended, \$250,000,000, to remain available
23 until September 30, 2009: *Provided*, That in allocating
24 discretionary grants under this paragraph, the Secretary
25 of Housing and Urban Development shall give priority

1 consideration to the rehabilitation of vacant rental units:
 2 *Provided further*, That notwithstanding any other provi-
 3 sion of law, the Secretary shall institute measures to en-
 4 sure that funds provided under this paragraph shall be
 5 obligated within 180 days of the date of enactment of this
 6 Act and shall serve to supplement and not supplant ex-
 7 penditures from other Federal, State, or local sources or
 8 funds independently generated by the grantee: *Provided*
 9 *further*, That in administering funds provided in this para-
 10 graph, the Secretary may waive any provision of any stat-
 11 ute or regulation that the Secretary administers in connec-
 12 tion with the obligation by the Secretary or the use by
 13 the recipient of these funds (except for requirements re-
 14 lated to fair housing, nondiscrimination, labor standards,
 15 and the environment), upon a finding that such waiver is
 16 required to facilitate the timely use of such funds.

17 SUPPLEMENTAL GRANTS TO PUBLIC HOUSING AGENCIES
 18 FOR EXTRAORDINARY ENERGY COSTS

19 For an additional amount for discretionary grants to
 20 public housing agencies for operating expenses permitted
 21 under section 9(e) of the United States Housing Act of
 22 1937 (42 U.S.C. 1437g(e)), \$200,000,000, to remain
 23 available until September 30, 2009: *Provided*, That fund-
 24 ing provided under this heading shall be used to cover ex-
 25 traordinary energy costs: *Provided further*, That to be eli-
 26 gible for such grants, public housing agencies must dem-

1 onstrate to the satisfaction of the Secretary a significant
 2 increase in energy costs associated with operating and
 3 maintaining public housing: *Provided further*, That not-
 4 withstanding any other provision of law, the Secretary
 5 shall institute measures to ensure that funds provided
 6 under this paragraph shall be allocated to those public
 7 housing agencies most in need of such assistance and that
 8 such funds shall be obligated within 180 days of the date
 9 of enactment of this Act: *Provided further*, That in admin-
 10 istering funds provided in this paragraph, the Secretary
 11 may waive any provision of any statute or regulation that
 12 the Secretary administers in connection with the obliga-
 13 tion by the Secretary or the use by the recipient of these
 14 funds (except for requirements related to fair housing,
 15 nondiscrimination, labor standards and the environment),
 16 upon a finding that such a waiver is required to facilitate
 17 the timely use of such funds.

18 HOUSING ASSISTANCE FOR TENANTS DISPLACED BY
 19 FORECLOSURE

20 For an additional amount for grants to public hous-
 21 ing agencies or grantees participating in Continuums of
 22 Care receiving assistance through existing Housing and
 23 Urban Development programs, for the purpose of pro-
 24 viding relocation and temporary housing assistance to in-
 25 dividuals and families that reside in dwelling units that
 26 have been foreclosed upon, or are in default and where

1 foreclosure is imminent, \$200,000,000, to be available
2 until September 30, 2009: *Provided*, That the Secretary
3 of Housing and Urban Development shall allocate
4 amounts made available under this heading to grantees
5 located in areas with the greatest number and percentage
6 of homes in default or delinquency and the greatest num-
7 ber and percentage of homes in foreclosure: *Provided fur-*
8 *ther*, That funding made available under this heading may
9 be used for temporary rental assistance, first and last
10 month's rent, security deposit, case management services,
11 or other appropriate services necessary to assist eligible
12 individuals or families in finding safe and affordable per-
13 manent housing: *Provided further*, That the Secretary
14 shall provide notice of the availability of funding provided
15 under this heading within 60 days of the enactment of
16 this Act.

17 FEDERAL HOUSING ADMINISTRATION

18 INFORMATION TECHNOLOGY

19 For an additional amount to maintain, modernize
20 and improve technology systems and infrastructure for the
21 Federal Housing Administration, \$37,000,000, to remain
22 available until September 30, 2009: *Provided*, That these
23 funds shall serve to supplement and not supplant planned
24 expenditures for the Federal Housing Administration for
25 information technology maintenance and development

1 funding provided through the Departmental Working Cap-
 2 ital Fund.

3 SALARIES AND EXPENSES

4 For an additional amount for salaries and expenses
 5 for the Federal Housing Administration, \$15,000,000, to
 6 remain available until September 30, 2009: *Provided*,
 7 That of the total amount provided under this paragraph,
 8 not less than \$13,000,000 shall be made available under
 9 the heading “Housing Personnel Compensation and Bene-
 10 fits” and up to \$2,000,000 shall be made available under
 11 the heading “Management and Administration, Adminis-
 12 tration, Operations and Management”: *Provided further*,
 13 That with funding provided under this paragraph, the
 14 Federal Housing Administration Commissioner is hereby
 15 authorized to take such actions and perform such func-
 16 tions as necessary regarding the hiring of personnel for
 17 performing functions of the Federal Housing Administra-
 18 tion within the Office of Housing.

19 GENERAL PROVISIONS—THIS CHAPTER

20 SEC. 1901. Section 5309(g)(4)(A) of title 49, United
 21 States Code, is amended by striking “or an amount equiv-
 22 alent to the last 3 fiscal years of funding allocated under
 23 subsections (m)(1)(A) and (m)(2)(A)(ii)” and inserting
 24 “or the sum of the funds available for the next three fiscal
 25 years beyond the current fiscal year, assuming an annual
 26 growth of the program of 10 percent”.

1 SEC. 1902. No funds provided in this Act or any
2 other Act may be used by the Secretary of Transportation
3 to take any action regarding airline operations at any
4 United States commercial airport that involves:

5 (1) auction, sale, lease, or the imposition of any
6 charge or fee, by the Secretary or the Federal Avia-
7 tion Administrator, for rights, authorization or per-
8 mission by them to conduct flight operations at, or
9 in the navigable airspace of, any such airport;

10 (2) implementing or facilitating any such auc-
11 tion, sale or lease, or the imposition of any such
12 charge or fee by the Secretary or the Administrator
13 initiated prior to enactment of this Act; or

14 (3) the withdrawal or involuntary transfer by
15 the Secretary or Administrator of rights, authoriza-
16 tions or permissions to operate at, or in the navi-
17 gable airspace of, any such airport for the purpose
18 of the auction, sale or lease of such rights, author-
19 izations or permissions, or the imposition by the Sec-
20 retary or Administrator of any charge or fee for
21 such rights, authorization or permission.

1 **TITLE II—NUTRITION PRO-**
 2 **GRAMS FOR ECONOMIC STIM-**
 3 **ULUS**

4 **SEC. 2001. NUTRITION PROGRAMS FOR ECONOMIC STIM-**
 5 **ULUS.**

6 (a) MAXIMUM BENEFIT INCREASE.—

7 (1) IN GENERAL.—Beginning with the first
 8 month that begins not less than 25 days after the
 9 date of enactment of this Act, the Secretary of Agri-
 10 culture (referred to in this section as the “Sec-
 11 retary”) shall increase the cost of the thrifty food
 12 plan for purposes of section 8(a) of the Food and
 13 Nutrition Act of 2008 (7 U.S.C. 2017(a)) by 10 per-
 14 cent.

15 (2) TERMINATION OF EFFECTIVENESS.—The
 16 authority provided by this subsection terminates and
 17 has no effect, effective on October 1, 2009.

18 (b) REQUIREMENTS FOR THE SECRETARY.—In car-
 19 rying out this section, the Secretary shall—

20 (1) consider the benefit increase described in
 21 subsection (a) to be a “mass change”;

22 (2) require a simple process for States to notify
 23 households of the increase in benefits;

24 (3) consider section 16(c)(3)(A) of the Food
 25 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))

1 to apply to any errors in the implementation of this
2 section, without regard to the 120-day limit de-
3 scribed in that section; and

4 (4) disregard the value of benefits resulting
5 from this section in any required calculations or esti-
6 mates of benefits if the Secretary determines it is
7 necessary to ensure efficient administration of pro-
8 grams authorized under the Food and Nutrition Act
9 of 2008 (7 U.S.C. 2011 et seq.) or other Federal
10 programs.

11 (c) STATE ADMINISTRATIVE EXPENSES.—

12 (1) IN GENERAL.—For the costs of State ad-
13 ministrative expenses associated with carrying out
14 this section, the Secretary shall make available
15 \$50,000,000, to remain available until expended.

16 (2) AVAILABILITY OF FUNDS.—Funds described
17 in paragraph (1) shall be made available to State
18 agencies based on each State's share of households
19 that participate in the supplemental nutrition assist-
20 ance program established under the Food and Nutri-
21 tion Act of 2008 (7 U.S.C. 2011 et seq.).

22 (3) CONSOLIDATED BLOCK GRANTS FOR PUER-
23 TO RICO AND AMERICAN SAMOA.—For fiscal year
24 2009, the Secretary shall increase by 10 percent the
25 amount available for nutrition assistance for eligible

1 households under the consolidated block grants for
 2 Puerto Rico and American Samoa under section 19
 3 of the Food and Nutrition Act of 2008 (7 U.S.C.
 4 2028).

5 (d) FUNDING.—There are hereby appropriated to the
 6 Secretary such sums as are necessary to carry out this
 7 section, to remain available until September 30, 2010.

8 **TITLE III—STATE FISCAL RELIEF**

9 **SEC. 3001. TEMPORARY INCREASE OF MEDICAID FMAP.**

10 (a) PERMITTING MAINTENANCE OF FISCAL YEAR
 11 2008 FMAP FOR FISCAL YEAR 2009.—Subject to sub-
 12 sections (d), (e), and (f), if the FMAP determined without
 13 regard to this section for a State for fiscal year 2009 is
 14 less than the FMAP as so determined for fiscal year 2008,
 15 the FMAP for the State for fiscal year 2008 shall be sub-
 16 stituted for the State’s FMAP for fiscal year 2009, before
 17 the application of this section.

18 (b) PERMITTING MAINTENANCE OF FISCAL YEAR
 19 2009 FMAP FOR FIRST QUARTER OF FISCAL YEAR
 20 2010.—Subject to subsections (d), (e), and (f), if the
 21 FMAP determined without regard to this section for a
 22 State for fiscal year 2010 is less than the FMAP as so
 23 determined for fiscal year 2009, the FMAP for the State
 24 for fiscal year 2009 shall be substituted for the State’s

1 FMAP for the first calendar quarter of fiscal year 2010,
2 before the application of this section.

3 (c) GENERAL 4 PERCENTAGE POINTS INCREASE FOR
4 FISCAL YEAR 2009 AND FIRST CALENDAR QUARTER OF
5 FISCAL YEAR 2010.—

6 (1) IN GENERAL.—Subject to subsections (d),
7 (e), and (f), for each State for fiscal year 2009 and
8 for the first calendar quarter of fiscal year 2010, the
9 FMAP (taking into account the application of sub-
10 sections (a) and (b)) shall be increased by 4.0 per-
11 centage points.

12 (2) INCREASE IN CAP ON MEDICAID PAYMENTS
13 TO TERRITORIES.—Subject to subsections (e) and
14 (f), with respect to fiscal year 2009 and the first cal-
15 endar quarter of fiscal year 2010, the amounts oth-
16 erwise determined for Puerto Rico, the Virgin Is-
17 lands, Guam, the Northern Mariana Islands, and
18 American Samoa under subsections (f) and (g) of
19 section 1108 of the Social Security Act (42 U.S.C.
20 1308) shall each be increased by an amount equal
21 to 4.0 percent of such amounts.

22 (d) SCOPE OF APPLICATION.—The increases in the
23 FMAP for a State under this section shall apply only for
24 purposes of title XIX of the Social Security Act and shall
25 not apply with respect to—

1 (1) disproportionate share hospital payments
2 described in section 1923 of such Act (42 U.S.C.
3 1396r-4);

4 (2) payments under title IV or XXI of such Act
5 (42 U.S.C. 601 et seq. and 1397aa et seq.); or

6 (3) any payments under title XIX of such Act
7 that are based on the enhanced FMAP described in
8 section 2105(b) of such Act (42 U.S.C. 1397ee(b)).

9 (e) STATE INELIGIBILITY.—

10 (1) IN GENERAL.—Subject to paragraph (2), a
11 State is not eligible for an increase in its FMAP
12 under subsection (c)(1), or an increase in a cap
13 amount under subsection (c)(2), if the eligibility
14 under its State plan under title XIX of the Social
15 Security Act (including any waiver under such title
16 or under section 1115 of such Act (42 U.S.C.
17 1315)) is more restrictive than the eligibility under
18 such plan (or waiver) as in effect on September 1,
19 2008.

20 (2) STATE REINSTATEMENT OF ELIGIBILITY
21 PERMITTED.—A State that has restricted eligibility
22 under its State plan under title XIX of the Social
23 Security Act (including any waiver under such title
24 or under section 1115 of such Act (42 U.S.C.
25 1315)) after September 1, 2008, is no longer ineli-

1 gible under paragraph (1) beginning with the first
 2 calendar quarter in which the State has reinstated
 3 eligibility that is no more restrictive than the eligi-
 4 bility under such plan (or waiver) as in effect on
 5 September 1, 2008.

6 (3) RULE OF CONSTRUCTION.—Nothing in
 7 paragraph (1) or (2) shall be construed as affecting
 8 a State’s flexibility with respect to benefits offered
 9 under the State Medicaid program under title XIX
 10 of the Social Security Act (42 U.S.C. 1396 et seq.)
 11 (including any waiver under such title or under sec-
 12 tion 1115 of such Act (42 U.S.C. 1315)).

13 (f) REQUIREMENTS.—

14 (1) IN GENERAL.—A State may not use the ad-
 15 ditional Federal funds paid to the State as a result
 16 of this section for purposes of increasing any reserve
 17 or rainy day fund maintained by the State.

18 (2) ADDITIONAL REQUIREMENT FOR CERTAIN
 19 STATES.—In the case of a State that requires polit-
 20 ical subdivisions within the State to contribute to-
 21 ward the non-Federal share of expenditures under
 22 the State Medicaid plan required under section
 23 1902(a)(2) of the Social Security Act (42 U.S.C.
 24 1396a(a)(2)), the State is not eligible for an in-
 25 crease in its FMAP under subsection (c)(1), or an

1 increase in a cap amount under subsection (c)(2), if
 2 it requires that such political subdivisions pay a
 3 greater percentage of the non-Federal share of such
 4 expenditures for fiscal year 2009, and the first cal-
 5 endar quarter of fiscal year 2010, than the percent-
 6 age that would have been required by the State
 7 under such plan on September 1, 2008, prior to ap-
 8 plication of this section.

9 (g) DEFINITIONS.—In this section:

10 (1) FMAP.—The term “FMAP” means the
 11 Federal medical assistance percentage, as defined in
 12 section 1905(b) of the Social Security Act (42
 13 U.S.C. 1396d(b)).

14 (2) STATE.—The term “State” has the mean-
 15 ing given such term for purposes of title XIX of the
 16 Social Security Act (42 U.S.C. 1396 et seq.).

17 (h) REPEAL.—Effective as of January 1, 2010, this
 18 section is repealed.

19 **SEC. 3002. TEMPORARY REINSTATEMENT OF AUTHORITY**
 20 **TO PROVIDE FEDERAL MATCHING PAYMENTS**
 21 **FOR STATE SPENDING OF CHILD SUPPORT**
 22 **INCENTIVE PAYMENTS.**

23 During the period that begins on October 1, 2008,
 24 and ends on September 30, 2010, section 455(a)(1) of the
 25 Social Security Act (42 U.S.C. 655(a)(1)) shall be applied

1 without regard to the amendment made by section
 2 7309(a) of the Deficit Reduction Act of 2005 (Public Law
 3 109–171, 120 Stat. 147).

4 **TITLE IV—UNEMPLOYMENT** 5 **INSURANCE**

6 **SEC. 4001. EMERGENCY UNEMPLOYMENT COMPENSATION** 7 **PROGRAM.**

8 (a) **ADDITIONAL FIRST-TIER BENEFITS.**—Section
 9 4002(b)(1) of the Supplemental Appropriations Act, 2008
 10 (26 U.S.C. 3304 note) is amended—

11 (1) in subparagraph (A), by striking “50” and
 12 inserting “80”; and

13 (2) in subparagraph (B), by striking “13” and
 14 inserting “20”.

15 (b) **SECOND-TIER BENEFITS.**—Section 4002 of the
 16 Supplemental Appropriations Act, 2008 (26 U.S.C. 3304
 17 note) is amended by adding at the end the following:

18 “(c) **SPECIAL RULE.**—

19 “(1) **IN GENERAL.**—If, at the time that the
 20 amount established in an individual’s account under
 21 subsection (b)(1) is exhausted or at any time there-
 22 after, such individual’s State is in an extended ben-
 23 efit period (as determined under paragraph (2)),
 24 such account shall be augmented by an amount
 25 equal to the lesser of—

1 “(A) 50 percent of the total amount of
 2 regular compensation (including dependents’ al-
 3 lowances) payable to the individual during the
 4 individual’s benefit year under the State law, or

5 “(B) 13 times the individual’s average
 6 weekly benefit amount (as determined under
 7 subsection (b)(2)) for the benefit year.

8 “(2) EXTENDED BENEFIT PERIOD.—For pur-
 9 poses of paragraph (1), a State shall be considered
 10 to be in an extended benefit period, as of any given
 11 time, if—

12 “(A) such a period is then in effect for
 13 such State under the Federal-State Extended
 14 Unemployment Compensation Act of 1970;

15 “(B) such a period would then be in effect
 16 for such State under such Act if section 203(d)
 17 of such Act—

18 “(i) were applied by substituting ‘4’
 19 for ‘5’ each place it appears; and

20 “(ii) did not include the requirement
 21 under paragraph (1)(A) thereof; or

22 “(C) such a period would then be in effect
 23 for such State under such Act if—

24 “(i) section 203(f) of such Act were
 25 applied to such State (regardless of wheth-

1 er the State by law had provided for such
2 application); and

3 “(ii) such section 203(f)—

4 “(I) were applied by substituting
5 ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i)
6 thereof; and

7 “(II) did not include the require-
8 ment under paragraph (1)(A)(ii)
9 thereof.

10 “(3) LIMITATION.—The account of an indi-
11 vidual may be augmented not more than once under
12 this subsection.”.

13 (c) PHASEOUT PROVISIONS.—Section 4007(b) of the
14 Supplemental Appropriations Act, 2008 (26 U.S.C. 3304
15 note) is amended—

16 (1) in paragraph (1), by striking “paragraph
17 (2),” and inserting “paragraphs (2) and (3),”; and

18 (2) by striking paragraph (2) and inserting the
19 following:

20 “(2) NO AUGMENTATION AFTER MARCH 31,
21 2009.—If the amount established in an individual’s
22 account under subsection (b)(1) is exhausted after
23 March 31, 2009, then section 4002(c) shall not
24 apply and such account shall not be augmented
25 under such section, regardless of whether such indi-

1 vidual's State is in an extended benefit period (as
2 determined under paragraph (2) of such section).

3 “(3) TERMINATION.—No compensation under
4 this title shall be payable for any week beginning
5 after November 27, 2009.”.

6 (d) EFFECTIVE DATE.—

7 (1) IN GENERAL.—The amendments made by
8 this section shall apply as if included in the enact-
9 ment of the Supplemental Appropriations Act, 2008,
10 subject to paragraph (2).

11 (2) ADDITIONAL BENEFITS.—In applying the
12 amendments made by subsections (a) and (b), any
13 additional emergency unemployment compensation
14 made payable by such amendments (which would not
15 otherwise have been payable if such amendments
16 had not been enacted) shall be payable only with re-
17 spect to any week of unemployment beginning on or
18 after the date of the enactment of this Act.

19 **SEC. 4002. TEMPORARY FEDERAL MATCHING FOR THE**
20 **FIRST WEEK OF EXTENDED BENEFITS FOR**
21 **STATES WITH NO WAITING WEEK.**

22 With respect to weeks of unemployment beginning
23 after the date of enactment of this Act and ending on or
24 before December 8, 2009, subparagraph (B) of section
25 204(a)(2) of the Federal-State Extended Unemployment

1 Compensation Act of 1970 (26 U.S.C. 3304 note) shall
2 not apply.

3 **TITLE V—NATIONAL PARK**
4 **CENTENNIAL FUND ACT**

5 **SECTION 5001. SHORT TITLE.**

6 This Act may be cited as the “National Park Centen-
7 nial Fund Act”.

8 **SEC. 5002. DEFINITIONS.**

9 In this Act:

10 (1) **FUND.**—The term “Fund” means the Na-
11 tional Park Centennial Fund established under sec-
12 tion 5003.

13 (2) **IN-KIND.**—The term “in-kind” means the
14 fair market value of non-cash contributions provided
15 by non-Federal partners, which may be in the form
16 of real property, equipment, supplies and other ex-
17 pendable property, as well as other goods and serv-
18 ices.

19 (3) **PROJECT OR PROGRAM.**—The term “Project
20 or program” means a National Park Centennial
21 Project or Program funded pursuant to this Act.

22 (4) **PROPOSAL.**—The term “Proposal” means a
23 National Park Centennial Proposal submitted pursu-
24 ant to section 5004.

1 (5) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 5003. NATIONAL PARK CENTENNIAL FUND.**

4 (a) IN GENERAL.—There is established in the Treas-
5 ury of the United States a fund which shall be known as
6 the “National Park Centennial Fund”. In each of fiscal
7 years 2009 through 2018, the Secretary of the Treasury
8 shall deposit into the Fund the following:

9 (1) Cash donations received by the National
10 Park Service in support of projects or programs au-
11 thorized by this Act.

12 (2) From the General Fund, an amount equiva-
13 lent to—

14 (A) the amount described in paragraph
15 (1), excluding donations pledged through a let-
16 ter of credit in a prior year; and

17 (B) the amount of donations pledged
18 through letters of credit in the same fiscal year.

19 (b) LIMITATION ON AMOUNT.—The total amount of
20 deposits from the General Fund under subsection (a)(2)
21 shall not exceed, in the aggregate, \$1,000,000,000 for fis-
22 cal years 2009 through 2018.

23 **SEC. 5004. PROGRAM ALLOCATION.**

24 (a) IN GENERAL.—Each fiscal year, the President’s
25 annual budget submission for the Department of the Inte-

rior shall include a list of proposals which shall be known as National Park Centennial Proposals. The Secretary shall establish a standard process for developing the list that shall encourage input from both the public and a broad cross-section of employees at every level of the National Park Service. The list—

(1) shall include proposals having an aggregate cost to the Federal Government equal to the unobligated amount in the Fund;

(2) shall include only proposals consistent with National Park Service policies and adopted park planning documents;

(3) may include proposals for any area within the national park system (as that term is defined in section 2 of the Act of August 8, 1953 (16 U.S.C. 1c)), clusters of areas within such system, a region or regions of such system, or such system in its entirety;

(4) shall cumulatively represent a nationwide array of proposals that is diverse geographically, in size, scope, magnitude, theme, and variety under the initiatives described in subsection (b);

(5) shall give priority to proposals demonstrating long-term viability beyond receipts from the Fund;

1 (6) shall include only proposals meeting the re-
 2 quirements of one or more of the initiatives set forth
 3 in subsection (b);

4 (7) should contain proposals under each of the
 5 initiatives set forth in subsection (b); and

6 (8) shall give priority to proposals with com-
 7 mitted, non-Federal support but shall also include
 8 proposals funded entirely by the Fund.

9 (b) NATIONAL PARK CENTENNIAL INITIATIVES.—
 10 The requirements referred to in subsection (a)(6) are as
 11 follows:

12 (1) EDUCATION IN PARKS CENTENNIAL INITIA-
 13 TIVE.—Proposals for the “Education in Parks Cen-
 14 tennial Initiative” shall meet the following require-
 15 ments:

16 (A) Priority shall be given to proposals de-
 17 signed to increase National Park-based edu-
 18 cational opportunities for elementary, secondary
 19 and college students particularly those from
 20 populations historically under represented
 21 among visitors to the National Park System.

22 (B) Priority shall be given to proposals de-
 23 signed to bring students into the National Park
 24 System in person.

1 (C) Proposals should include strategies for
2 encouraging young people to become lifelong
3 advocates for National Parks.

4 (D) Proposals shall be developed in con-
5 sultation with the leadership of educational and
6 youth organizations expected to participate in
7 the proposed initiative.

8 (2) DIVERSITY IN PARKS CENTENNIAL INITIA-
9 TIVE.—

10 (A) STUDY.—Not later than 1 year after
11 the date of the enactment of this Act, the Sec-
12 retary shall submit to the Committee on Nat-
13 ural Resources of the House of Representatives
14 and the Committee on Energy and Natural Re-
15 sources of the Senate a report detailing a serv-
16 ice-wide strategy for increasing diversity among
17 National Park Service employees at all levels
18 and visitors to the National Park System.

19 (B) PROPOSALS.—Proposals for the “Di-
20 versity in Parks Centennial Initiative” shall
21 meet the following requirements:

22 (i) Each proposal shall be based on
23 recommendations contained in the report
24 required in subparagraph (A).

1 (ii) Each proposal shall be designed to
2 make National Park Service employees,
3 visitors to the National Park System, or
4 both, reflect the diversity of the population
5 of the United States.

6 (3) SUPPORTING PARK PROFESSIONALS CEN-
7 TENNIAL INITIATIVE.—Proposals for the “Sup-
8 porting Park Professionals Centennial Initiative”
9 shall meet the following requirements:

10 (A) Taken as a whole, proposals shall pro-
11 vide specific opportunities for National Park
12 Service employees, at all levels, to participate in
13 professional career development.

14 (B) Proposals may include National Park
15 Service-designed, internal professional develop-
16 ment programs.

17 (C) Proposals may also be designed to fa-
18 cilitate participation in external professional de-
19 velopment programs or established courses of
20 study by National Park Service employees.

21 (4) ENVIRONMENTAL LEADERSHIP CENTEN-
22 NIAL INITIATIVE.—Proposals for the “Environ-
23 mental Leadership Centennial Initiative” shall meet
24 the following requirements:

1 (A) Each proposal shall be designed to do
 2 one or more of the following:

3 (i) Reduce harmful emissions.

4 (ii) Conserve energy or water re-
 5 sources.

6 (iii) Reduce solid waste production
 7 within the National Park System.

8 (B) Each proposal shall include strategies
 9 for educating the public regarding Environ-
 10 mental Leadership projects and their results.

11 (C) Priority shall be given to proposals
 12 with the potential to spread technological ad-
 13 vances to other Federal agencies or to the pri-
 14 vate sector.

15 (5) NATURAL RESOURCE PROTECTION CENTEN-
 16 NIAL INITIATIVE.—Proposals for the “Natural Re-
 17 source Protection Centennial Initiative” shall meet
 18 the following requirements:

19 (A) Each proposal shall be designed to re-
 20 store or conserve native ecosystems within the
 21 National Park System.

22 (B) Priority shall be given to proposals de-
 23 signed to control invasive species.

24 (C) Each proposal shall be based on the
 25 best available scientific information.

1 (6) CULTURAL RESOURCE PROTECTION CEN-
2 TENNIAL INITIATIVE.—Proposals for the “Cultural
3 Resource Protection Centennial Initiative” shall—

4 (A) either—

5 (i) increase the National Park Serv-
6 ice’s knowledge of cultural resources lo-
7 cated within the National Park System
8 through means including, but not limited
9 to, surveys, studies, mapping, and docu-
10 mentation of such resources; or

11 (ii) improve the condition of docu-
12 mented cultural resources within the Na-
13 tional Park System;

14 (B) incorporate the best available scientific
15 information; and

16 (C) where appropriate, be developed in
17 consultation with Native American tribes, State
18 historic preservation offices, or other organiza-
19 tions with cultural resource preservation exper-
20 tise.

21 (7) HEALTH AND FITNESS IN PARKS CENTEN-
22 NIAL INITIATIVE.—

23 (A) IN GENERAL.—Proposals for the
24 “Health and Fitness in Parks Centennial Ini-

1 initiative” shall fall into one or more of the fol-
2 lowing four categories:

3 (i) Proposals designed to repair, reha-
4 bilitate, or otherwise improve infrastruc-
5 ture, including trails, that facilitates
6 healthy outdoor activity within the Na-
7 tional Park System.

8 (ii) Proposals designed to expand op-
9 portunities for access to the National Park
10 System for visitors with disabilities.

11 (iii) Proposals to develop and imple-
12 ment management plans (such as climbing
13 plans and trail system plans) for activities
14 designed to increase the health and fitness
15 of visitors to the National Park System.

16 (iv) Proposals to develop outreach
17 programs and media that provide public
18 information regarding health and fitness
19 opportunities within the National Park
20 System.

21 (B) MISCELLANEOUS REQUIREMENTS.—

22 All proposals for “the Health and Fitness in
23 Parks Centennial Initiative” shall—

1 (i) be consistent with National Park
2 Service policies and adopted park planning
3 documents; and

4 (ii) be designed to provide for visitor
5 enjoyment in such a way as to leave the
6 National Park System unimpaired for fu-
7 ture generations.

8 (c) FUNDING.—In each of fiscal years 2009 through
9 2018, unobligated amounts in the Fund shall be available
10 without further appropriation for projects authorized by
11 this Act, but may not be obligated or expended until 120
12 days after the annual submission of the list of proposals
13 required under this section to allow for Congressional re-
14 view.

15 (d) LIMITATION ON DISTRIBUTION OF FUNDS.—No
16 more than 50 percent of amounts available from the Fund
17 for any fiscal year may be spent on projects that are for
18 the construction of facilities that cost in excess of
19 \$5,000,000.

20 **SEC. 5005. PARTNERSHIPS.**

21 (a) DONATIONS.—The Secretary may actively en-
22 courage and facilitate participation in proposals from non-
23 Federal and philanthropic partners, and may accept dona-
24 tions, both monetary and in-kind for any Project or Pro-
25 gram pursuant to section 1 of the Act of June 5, 1920

1 (16 U.S.C. 6), and other authorities to accept donations
2 existing on the date of enactment of this Act.

3 (b) TERMS AND CONDITIONS.—To the extent that
4 private organizations or individuals are to participate in
5 or contribute to any Project or Program, the terms and
6 conditions of that participation or contribution as well as
7 all actions of employees of the National Park Service, shall
8 be governed by National Park Service Directors Order
9 #21, “Donations and Fundraising”, as in force on the
10 date of the enactment of this Act.

11 **SEC. 5006. MAINTENANCE OF EFFORT.**

12 Amounts made available from the Fund shall supple-
13 ment rather than replace annual expenditures by the Na-
14 tional Park Service, including authorized expenditures
15 from the Land and Water Conservation Fund and the Na-
16 tional Park Service Line Item Construction Program. The
17 National Park Service shall maintain adequate, permanent
18 staffing levels and permanent staff shall not be replaced
19 with nonpermanent employees hired to carry out this Act
20 or Projects or Programs carried out with funds provided
21 under this Act.

22 **SEC. 5007. REPORTS.**

23 For each fiscal year beginning in fiscal year 2009,
24 the Secretary shall submit to Congress a report that in-
25 cludes the following:

1 (1) A detailed accounting of all expenditures
 2 from the Fund divided by categories of proposals
 3 under section 4(b), including a detailed accounting
 4 of any private contributions, either in funds or in
 5 kind, to any Project or Program.

6 (2) A cumulative summary of the results of the
 7 National Park Centennial program including rec-
 8 ommendations for revisions to the program.

9 (3) A statement of whether the National Park
 10 Service has maintained adequate, permanent staffing
 11 levels and what nonpermanent and permanent staff
 12 have been hired to carry out this Act or Projects or
 13 Programs carried out with funds provided under this
 14 Act.

15 TITLE VI

16 GENERAL PROVISIONS—THIS ACT

17 EMERGENCY DESIGNATION

18 SEC. 6001. Each amount in this Act is designated
 19 as an emergency requirement and necessary to meet emer-
 20 gency needs pursuant to section 204(a) of S. Con. Res.
 21 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
 22 70 (110th Congress), the concurrent resolutions on the
 23 budget for fiscal years 2008 and 2009.

24 COORDINATION OF PROVISIONS

25 SEC. 6002. Unless otherwise expressly provided, each
 26 amount in this Act is a supplemental appropriation for

1 fiscal year 2008, or, if enacted after September 30, 2008,
2 for fiscal year 2009.

3 This Act may be cited as the “Economic Recovery
4 Act, 2008”.

