

will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## SHARK CONSERVATION ACT OF 2010

Ms. BORDALLO. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 81) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

#### Sec. 1. Table of contents.

#### TITLE I—SHARK CONSERVATION ACT OF 2010

Sec. 101. Short title.

Sec. 102. Amendment of the High Seas Driftnet Fishing Moratorium Protection Act.

Sec. 103. Amendment of Magnuson-Stevens Fishery Conservation and Management Act.

Sec. 104. Offset of implementation cost.

#### TITLE II—INTERNATIONAL FISHERIES AGREEMENT

Sec. 201. Short title.

Sec. 202. International Fishery Agreement.

Sec. 203. Application with other laws.

Sec. 204. Effective date.

#### TITLE III—MISCELLANEOUS

Sec. 301. Technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act.

Sec. 302. Pacific Whiting Act of 2006.

Sec. 303. Replacement vessel.

#### TITLE I—SHARK CONSERVATION ACT OF 2010

##### SEC. 101. SHORT TITLE.

This title may be cited as the “Shark Conservation Act of 2010”.

##### SEC. 102. AMENDMENT OF HIGH SEAS DRIFNET FISHING MORATORIUM PROTECTION ACT.

(a) **ACTIONS TO STRENGTHEN INTERNATIONAL FISHERY MANAGEMENT ORGANIZATIONS.**—Section 608 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826i) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” at the end;

(B) in subparagraph (E), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(F) to adopt shark conservation measures, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea;”;

(2) in paragraph (2), by striking “and” at the end;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following:

“(3) seeking to enter into international agreements that require measures for the conserva-

tion of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that are comparable to those of the United States, taking into account different conditions; and”.

(b) **ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.**—Subparagraph (A) of section 609(e)(3) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)(3)) is amended—

(1) by striking the “and” before “bycatch reduction requirements”; and

(2) by striking the semicolon at the end and inserting “, and shark conservation measures;”.

(c) **EQUIVALENT CONSERVATION MEASURES.**—

(1) **IDENTIFICATION.**—Subsection (a) of section 610 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k) is amended—

(A) in the matter preceding paragraph (1), by striking “607, a nation if—” and inserting “607—”;

(B) in paragraph (1)—

(i) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(ii) by moving clauses (i) and (ii) (as so redesignated) 2 ems to the right;

(C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(D) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;

(E) by inserting before subparagraph (A) (as so redesignated) the following:

“(1) a nation if—”;

(F) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(2) a nation if—

“(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices in waters beyond any national jurisdiction that target or incidentally catch sharks; and

“(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.”.

(2) **INITIAL IDENTIFICATIONS.**—The Secretary of Commerce shall begin making identifications under paragraph (2) of section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)), as added by paragraph (1)(G), not later than 1 year after the date of the enactment of this Act.

##### SEC. 103. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

(a) **IN GENERAL.**—Paragraph (1) of section 307 of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) is amended—

(1) by amending subparagraph (P) to read as follows:

“(P)(i) to remove any of the fins of a shark (including the tail) at sea;

“(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

“(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

“(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached.”; and

(2) by striking the matter following subparagraph (R) and inserting the following:

“For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being natu-

rally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) or that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P). In such subparagraph, the term ‘naturally attached’, with respect to a shark fin, means attached to the corresponding shark carcass through some portion of uncut skin.”.

(b) **SAVINGS CLAUSE.**—

“(1) **IN GENERAL.**—The amendments made by subsection (a) do not apply to an individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*) in that area of the waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of a State from which the territorial sea is measured, if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.

(2) **DEFINITIONS.**—In this subsection:

(A) **COMMERCIAL FISHING.**—The term “commercial fishing” has the meaning given that term in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

(B) **STATE.**—The term “State” has the meaning given that term in section 803 of Public Law 103–206 (16 U.S.C. 5102).

##### SEC. 104. OFFSET OF IMPLEMENTATION COST.

Section 308(a) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(a)) is amended by striking “2012.” and inserting “2010, and \$2,500,000 for each of fiscal years 2011 and 2012.”.

#### TITLE II—INTERNATIONAL FISHERIES AGREEMENT

##### SEC. 201. SHORT TITLE.

This title may be cited as the “International Fisheries Agreement Clarification Act”.

##### SEC. 202. INTERNATIONAL FISHERY AGREEMENT.

Consistent with the intent of provisions of the Magnuson-Stevens Fishery and Conservation and Management Act relating to international agreements, the Secretary of Commerce and the New England Fishery Management Council may, for the purpose of rebuilding those portions of fish stocks covered by the United States-Canada Transboundary Resource Sharing Understanding on the date of enactment of this Act—

(1) take into account the Understanding and decisions made under that Understanding in the application of section 304(e)(4)(A)(i) of the Act (16 U.S.C. 1854(e)(4)(A)(i));

(2) consider decisions made under that Understanding as “management measures under an international agreement” that “dictate otherwise” for purposes of section 304(e)(4)(A)(ii) of the Act (16 U.S.C. 1854(e)(4)(A)(ii)); and

(3) establish catch levels for those portions of fish stocks within their respective geographic areas covered by the Understanding on the date of enactment of this Act that exceed the catch levels otherwise required under the Northeast Multispecies Fishery Management Plan if—

(A) overfishing is ended immediately;

(B) the fishing mortality level ensures rebuilding within a time period for rebuilding specified taking into account the Understanding pursuant to paragraphs (1) and (2) of this subsection; and

(C) such catch levels are consistent with that Understanding.

##### SEC. 203. APPLICATION WITH OTHER LAWS.

Nothing in this title shall be construed to amend the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851 et seq.) or to limit or otherwise alter the authority of the Secretary of Commerce under that Act concerning other species.

**SEC. 204. EFFECTIVE DATE.**

(a) *IN GENERAL.*—Except as provided in subsection (b), section 202 shall apply with respect to fishing years beginning after April 30, 2010.

(b) *SPECIAL RULE.*—Section 202(3)(B) shall only apply with respect to fishing years beginning after April 30, 2012.

**TITLE III—MISCELLANEOUS****SEC. 301. TECHNICAL CORRECTIONS TO THE WESTERN AND CENTRAL PACIFIC FISHERIES CONVENTION IMPLEMENTATION ACT.**

Section 503 of the Western and Central Pacific Fisheries Convention Implementation Act (16 U.S.C. 6902) is amended—

(1) by striking “Management Council and” in subsection (a) and inserting “Management Council, and one of whom shall be the chairman or a member of”;

(2) by striking subsection (c)(1) and inserting the following:

“(1) *EMPLOYMENT STATUS.*—Individuals serving as such Commissioners, other than officers or employees of the United States Government, shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”; and

(3) by striking subsection (d)(2)(B)(ii) and inserting the following:

“(ii) shall not be considered Federal employees except for the purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

**SEC. 302. PACIFIC WHITING ACT OF 2006.**

(a) *SCIENTIFIC EXPERTS.*—Section 605(a)(1) of the Pacific Whiting Act of 2006 (16 U.S.C. 7004(a)(1)) is amended by striking “at least 6 but not more than 12” inserting “no more than 2”.

(b) *EMPLOYMENT STATUS.*—Section 609(a) of the Pacific Whiting Act of 2006 (16 U.S.C. 7008(a)) is amended to read as follows:

“(a) *EMPLOYMENT STATUS.*—Individuals appointed under section 603, 604, 605, or 606 of this title, other than officers or employees of the United States Government, shall not be considered to be Federal employees while performing such service, except for purposes of injury compensation or tort claims liability as provided in chapter 81 of title 5, United States Code, and chapter 171 of title 28, United States Code.”.

**SEC. 303. REPLACEMENT VESSEL.**

Notwithstanding any other provision of law, the Secretary of Commerce may promulgate regulations that allow for the replacement or rebuilding of a vessel qualified under subsections (a)(7) and (g)(1)(A) of section 219 of the Department of Commerce and Related Agencies Appropriations Act, 2005 (Public Law 108-447; 188 Stat. 886-891).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Washington (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

**GENERAL LEAVE**

Ms. BORDALLO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

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Ms. BORDALLO. Madam Speaker, I rise today in strong support of H.R. 81,

the Shark Conservation Act of 2009. This bill, which I first introduced more than 3 years ago, reconfirms the original intent of Congress to prevent shark finning by prohibiting the removal of fins at sea, and the possession, transference, or landing of fins which are not naturally attached to the corresponding carcass. This critical conservation measure and enforcement mechanism will help to end the wasteful and abusive practice of shark finning and make us a world leader in shark conservation.

Yesterday, the Senate amended my bill to clarify that certain fish stocks in New England are considered to be managed under an international agreement for purposes of the Magnuson-Stevens Fishery Conservation and Management Act. The bill was also amended to make technical corrections to two international fishery implementation acts to allow proper participation by stakeholders on the respective advisory bodies. Amendments were also made to clarify that the Secretary of Commerce can issue regulations to allow for the replacement of corroding vessels in the non-pollock groundfish fishery.

In addition, the Senate inserted language to exempt one particular fishery from the new requirement to land sharks with their fins naturally attached. While I am not supportive of this particular exemption, I do think it is important to note that this fishery represents less than 1 percent of all the shark fishing in the United States, and that the restrictions on shark finning currently in the law will still apply to them.

Putting an end to shark finning is imperative to the conservation of these important and iconic species. With that, I ask Members on both sides to support its passage.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, this legislation takes H.R. 81, the Shark Conservation Act of 2010, which passed this House in March of last year, and adds several other fisheries provisions, all of which I support. My colleague has adequately explained and described what is in this small fisheries package, and I do not object to this legislation. Action by this House will clear these measures for the President. I urge adoption.

Mr. FALCONA. Madam Speaker, I rise in support of H.R. 81, the Shark Conservation Act of 2009. First, I want to commend the chief sponsor, the Chairwoman of the Natural Resources Subcommittee on Insular Affairs, Oceans and Wildlife, and my good friend, Ms. MADELINE BORDALLO of Guam, for her leadership on this important issue. I also want to commend Chairman NICK RAHALL and members of the Committee on Natural Resources for their strong support of this bipartisan legislation.

This piece of legislation underscores the need for the U.S. to maintain its leadership

role in conserving sharks and the marine ecosystems of which they are an important part. The increasing amount of shark finning has taken an adverse impact on our efforts and warrants continued efforts from Congress to reverse these unwanted trends. Economic profits have fueled high demands for shark fins and have led to the exploitation of our marine ecosystem. Exploiters remove only shark fins and dump carcasses at sea. It is Congress' responsibility to maintain prohibition of shark finning in order to preserve the conservation of sharks and their corresponding ecosystems.

Congress enacted the Shark Finning Prohibition of 2000, to prohibit fishermen from removing the fins of sharks and discarding the carcasses at sea, and prevent the transportation of shark fins without the corresponding carcasses. Effective enforcement of these prohibitions are found wanting.

In 2008, the 9th Circuit US Court of Appeals held that the shark finning prohibitions and related implementing regulations promulgated by the National Marine Fisheries Service (NMFS) do not apply to certain vessels even though they are performing fishing-related activities. According to the court ruling, the statutory definition of “fishing vessel” did not offer fair notice to the fishermen engaging in the at-sea purchase and transfer of shark fins that would render the fishermen subject to the shark finning laws. In effect, the court ruled that the application of the prohibition laws under the Shark Finning Prohibition of 2008 Act violates due process.

The bill before us today, H.R. 81, remedies the problem presented by the 2008 court ruling. The proposed language clarifies that all vessels, not just fishing vessels, are prohibited from having custody, control, or possession of shark fins without the corresponding carcass, thereby eliminating the unexpected loophole related to the transport of shark fins. In addition, the proposed bill would strengthen the capacity of our Federal Government to better monitor and enforce existing laws.

Madam Speaker, it is necessary that we pass this legislation immediately given the devastation confronting our national marine ecosystems. Sharks play an integral role in our ecosystem and it is our responsibility to ensure that they are protected. The future of our ecosystem is in our hands and we need to do all that we can for the sake of our natural resources and for our future generations. I urge my colleagues to pass H.R. 81.

Mrs. CAPPS. Madam Speaker, I rise today to express my support for H.R. 81, the Shark Conservation Act.

I want to thank Congresswoman BORDALLO for introducing this legislation of which I am a cosponsor.

Shark populations in our world's oceans are dying.

We need to act, and we need to act now. Sharks are at the top of the global marine food chain. Sharks have roamed our oceans since before the time of dinosaurs, but now their populations are being threatened by overfishing around the globe.

Shark-finning takes a tremendous toll on shark populations.

An estimated 73 million sharks are killed every year to support the global shark fin trade.

We must act decisively today to help protect these magnificent creatures.

The Shark Conservation Act would end the practice of shark finning in U.S. waters.

However, domestic protections alone will not save sharks.

We need further safeguards to keep marine ecosystems and top predator populations healthy. The Shark Conservation Act will bolster the U.S.'s position when negotiating for increased international fishery protections.

Healthy shark populations in our waters can help drive our economy and make our seas thrive.

This bill is not just about preserving a species, but about preserving an ecosystem, an economy, and a sustainable future.

I urge all of my colleagues to vote in support of H.R. 81.

Mr. FARR. Madam Speaker, I rise today in support of the Senate Amendment to H.R. 81, The Shark Conservation Act of 2010. I am pleased that the Senate has taken up and passed this bill with so little time left in the 111th Congress, and I urge my colleagues to follow suit and vote "yes" to the Senate Amendment to H.R. 81 so that we can send this important piece of legislation to the President's desk.

This bill seeks to adopt important and necessary conservation measures for sharks. Specifically, and perhaps most importantly, the bill amends the High Seas Driftnet Fishing Moratorium Protection Act to prohibit shark-finning. Shark-finning is the removal of any fins of a shark (including the tail), and discarding the carcass of the shark at sea. The practice has egregious effects on shark populations worldwide and the fins remain in high demand for use in "shark fin soup"—an Asian delicacy. It is estimated that 73 million sharks are killed each year as a result of shark-finning. In short, this practice takes a tremendous toll on shark populations.

In addition, many shark species are threatened or endangered, making the conservation measures set forth by this bill timely and necessary. Sharks are one of the top predators in our oceans, and a loss in their population would lead to permanent and detrimental effects on the entire marine environment. The loss of top predators in the marine environment upsets the balance of our oceans, causing severe and sometimes irreversible consequences.

We take so much from our ocean, and yet give nothing back. Protecting and conserving its depleting resources should be a top priority because before long there will be nothing left to take.

For these reasons I urge my colleagues to vote "yes" on the Senate Amendment to H.R. 81.

Mr. HASTINGS of Washington. I yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, in closing, I urge all Members to support this bill.

In our last business before the House for the Natural Resources Committee this year, I would like to thank the gentleman from Washington for his cooperation in this bill, and for all of the opportunities that we have had to work together in this Congress. Moreover, I wish him good luck as the new chairman of the committee next year, and look forward to working with him in the next capacity.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 81.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### DIESEL EMISSIONS REDUCTION ACT OF 2010

Mr. WAXMAN. Madam Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5809) to amend the Controlled Substances Act to provide for take-back disposal of controlled substances in certain instances, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Diesel Emissions Reduction Act of 2010".*

##### SEC. 2. DIESEL EMISSIONS REDUCTION PROGRAM.

(a) *DEFINITIONS.*—Section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A), by striking "and" at the end;

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

(C) by adding at the end the following:

"(C) any private individual or entity that—

"(i) is the owner of record of a diesel vehicle or fleet operated pursuant to a contract, license, or lease with a Federal department or agency or an entity described in subparagraph (A); and

"(ii) meets such timely and appropriate requirements as the Administrator may establish for vehicle use and for notice to and approval by the Federal department or agency or entity described in subparagraph (A) with respect to which the owner has entered into a contract, license, or lease as described in clause (i).";

(2) in paragraph (4), by inserting "currently, or has not been previously," after "that is not";

(3) by striking paragraph (9);

(4) by redesignating paragraph (8) as paragraph (9);

(5) in paragraph (9) (as so redesignated), in the matter preceding subparagraph (A), by striking "advanced truckstop electrification system,"; and

(6) by inserting after paragraph (7) the following:

"(8) *STATE.*—The term 'State' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands."

(b) *NATIONAL GRANT, REBATE, AND LOAN PROGRAMS.*—Section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16132) is amended—

(1) in the section heading, by inserting "REBATE," after "GRANT";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "to provide grants and low-cost revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities" and inserting "to provide grants, rebates, or low-cost

revolving loans, as determined by the Administrator, on a competitive basis, to eligible entities, including through contracts entered into under subsection (e) of this section,"; and

(B) in paragraph (1), by striking "tons of";

(3) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated)—

(i) in subparagraph (A), in the matter preceding clause (i), by striking "90" and inserting "95";

(ii) in subparagraph (B)(i), by striking "10 percent" and inserting "5 percent"; and

(iii) in subparagraph (B)(ii), by striking "the application under subsection (c)" and inserting "a verification application";

(4) in subsection (c)—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(B) by striking paragraph (1) and inserting the following:

"(1) *EXPEDITED PROCESS.*—

"(A) *IN GENERAL.*—The Administrator shall develop a simplified application process for all applicants under this section to expedite the provision of funds.

"(B) *REQUIREMENTS.*—In developing the expedited process under subparagraph (A), the Administrator—

"(i) shall take into consideration the special circumstances affecting small fleet owners; and

"(ii) to avoid duplicative procedures, may require applicants to include in an application under this section the results of a competitive bidding process for equipment and installation.

"(2) *ELIGIBILITY.*—

"(A) *GRANTS.*—To be eligible to receive a grant under this section, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

"(B) *REBATES AND LOW-COST LOANS.*—To be eligible to receive a rebate or a low-cost loan under this section, an eligible entity shall submit an application in accordance with such guidance as the Administrator may establish—

"(i) to the Administrator; or

"(ii) to an entity that has entered into a contract under subsection (e).";

(C) in paragraph (3)(G) (as redesignated by subparagraph (A)), by inserting "in the case of an application relating to nonroad engines or vehicles," before "a description of the diesel"; and

(D) in paragraph (4) (as redesignated by subparagraph (A))—

(i) in the matter preceding subparagraph (A)—

(I) by inserting "rebate," after "grant"; and

(II) by inserting "highest" after "shall give";

(ii) in subparagraph (C)(iii)—

(I) by striking "a diesel fleets" and inserting "diesel fleets"; and

(II) by inserting "construction sites, schools," after "terminals,";

(iii) in subparagraph (E), by adding "and" at the end;

(iv) in subparagraph (F), by striking "and" and inserting a period; and

(v) by striking subparagraph (G);

(5) in subsection (d)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting "rebate," after "grant"; and

(B) in paragraph (2)(A)—

(i) by striking "grant or loan provided" and inserting "grant, rebate, or loan provided, or contract entered into,"; and

(ii) by striking "Federal, State or local law" and inserting "any Federal law, except that this subparagraph shall not apply to a mandate in a State implementation plan approved by the Administrator under the Clean Air Act"; and

(6) by adding at the end the following:

"(e) *CONTRACT PROGRAMS.*—

"(1) *AUTHORITY.*—In addition to the use of contracting authority otherwise available to the