

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide additional assistance for economic recovery.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.**

(no.) H.R. 2638

(title)Department of Homeland Security Appropriations Act, 2008

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. REID (for himself and Mr. BYRD)

Viz:

- 1 At the end of the House amendment to the Senate
- 2 amendment, insert the following:
- 3 DIVISION \_\_\_\_—ECONOMIC RECOVERY ACT, 2008
- 4 That the following sums are appropriated, out of any
- 5 money in the Treasury not otherwise appropriated, for the
- 6 fiscal year ending September 30, 2008, and for other pur-
- 7 poses, namely:

1 DIVISION \_\_\_\_—ECONOMIC RECOVERY ACT OF  
2 2008

3 TITLE I

4 INFRASTRUCTURE, ENERGY, AND ECONOMIC  
5 RECOVERY

6 CHAPTER 1

7 DEPARTMENT OF AGRICULTURE

8 FARM SERVICE AGENCY

9 SALARIES AND EXPENSES

10 For an additional amount for “Farm Service Agency,  
11 Salaries and Expenses”, for the purpose of maintaining  
12 and modernizing the information technology system,  
13 \$171,700,000, to remain available until expended.

14 RURAL HOUSING SERVICE

15 RURAL HOUSING INSURANCE PROGRAM ACCOUNT

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

22 For an additional amount for the cost of direct and  
23 guaranteed loans, including the cost of modifying loans,  
24 as defined in section 502 of the Congressional Budget Act

1 of 1974, to remain available until expended, as follows:  
2 \$11,500,000 for section 502 direct loans.

3 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

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

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

21 RURAL BUSINESS—COOPERATIVE SERVICE

22 RURAL BUSINESS ENTERPRISE GRANTS

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

## 1 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

2 For an additional amount for gross obligations for  
3 the principal amount of direct loans as authorized by the  
4 Rural Development Loan Fund (42 U.S.C. 9812(a)),  
5 \$30,000,000.

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

## 12 RURAL UTILITIES SERVICE

## 13 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

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

22 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND  
23 PROGRAM ACCOUNT

24 For an additional amount for grants for distance  
25 learning and telemedicine services in rural areas, as au-

1 thorized by 7 U.S.C. 950aaa, et seq., \$26,000,000, to re-  
2 main available until expended.

3                   FOOD AND NUTRITION SERVICE  
4       SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR  
5                   WOMEN, INFANTS, AND CHILDREN

6       For an additional amount for the special supple-  
7 mental nutrition program as authorized by section 17 of  
8 the Child Nutrition Act of 1966 (42 U.S.C. 1786),  
9 \$450,000,000, to remain available through September 30,  
10 2009.

11                   SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

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

18                   COMMODITY ASSISTANCE PROGRAM

19       For an additional amount for the Commodity Supple-  
20 mental Food Program, \$30,000,000, to support additional  
21 food purchases, to remain available until September 30,  
22 2009.

23                   GENERAL PROVISION—THIS CHAPTER

24       SEC. 1101. (a) In this section, the term “non-  
25 ambulatory disabled cattle” means cattle, other than cattle  
26 that are less than 5 months old or weigh less than 500

1 pounds, subject to inspection under section 3(b) of the  
2 Federal Meat Inspection Act (21 U.S.C. 603(b)) that can-  
3 not rise from a recumbent position or walk, including cat-  
4 tle with a broken appendage, severed tendon or ligament,  
5 nerve paralysis, fractured vertebral column, or a metabolic  
6 condition.

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

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



## 1 FEDERAL BUREAU OF INVESTIGATION

## 2 SALARIES AND EXPENSES

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

## 6 OFFICE OF JUSTICE PROGRAMS

## 7 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

8 For an additional amount for “State and Local Law  
9 Enforcement Assistance” Edward Byrne Memorial Justice  
10 Assistance Grant program as authorized by subpart 1 of  
11 part E of title I of the Omnibus Crime Control and Safe  
12 Street Act of 1968 (“1968 Act”), (except that section  
13 1001(c), and the special rules for Puerto Rico under sec-  
14 tion 505(g), of the 1968 Act, shall not apply for purposes  
15 of this Act), \$490,000,000, to remain available until Sep-  
16 tember 30, 2009.

17 For an additional amount for “State and Local Law  
18 Enforcement Assistance”, \$100,000,000, to remain avail-  
19 able until September 30, 2009, for competitive grants to  
20 provide assistance and equipment to local law enforcement  
21 along the Southern border and in High-Intensity Drug  
22 Trafficking Areas to combat criminal narcotic activity  
23 stemming from the Southern border, of which  
24 \$15,000,000 shall be transferred to the “Bureau of Alco-

1 hol, Tobacco, Firearms and Explosives”, “Salaries and  
2 Expenses” for the ATF Project Gunrunner.

3 COMMUNITY ORIENTED POLICING SERVICES

4 For additional amount for “Community Oriented Po-  
5 licing Services”, for grants under section 1701 of title I  
6 of the 1968 Omnibus Crime Control and Safe Streets Act  
7 (42 U.S.C. 379dd) for hiring and rehiring of additional  
8 career law enforcement officers under part Q of such title  
9 notwithstanding subsection (i) of such section,  
10 \$500,000,000, to remain available until September 30,  
11 2009.

12 SCIENCE

13 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 RETURN TO FLIGHT

15 For necessary expenses, not otherwise provided for,  
16 in carrying out return to flight activities associated with  
17 the space shuttle and activities from which funds were  
18 transferred to accommodate return to flight activities,  
19 \$250,000,000, to remain available until September 30,  
20 2009, with such sums as determined by the Administrator  
21 of the National Aeronautics and Space Administration as  
22 available for transfer to “Science”, “Aeronautics”, “Ex-  
23 ploration”, and “Exploration Capabilities” for restoration  
24 of funds previously reallocated to meet return to flight ac-  
25 tivities.

1

## RELATED AGENCY

2

## LEGAL SERVICES CORPORATION

3

## PAYMENT TO THE LEGAL SERVICES CORPORATION

4

For an additional amount for “Payment to the Legal Services Corporation”, \$37,500,000, to remain available until September 30, 2009, to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated foreclosure: *Provided*, That each limitation on expenditures, and each term or condition, that applies to funds appropriated to the Legal Services Corporation under the Consolidated Appropriations Act of 2008 (Public Law 110–61), shall apply to funds appropriated under this Act: *Provided further*, That priority shall be given to entities and individuals that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates; and (2) have the capacity to begin using the funds within 90 days of receipt of the funds.

19

1                                   CHAPTER 3  
2                   DEPARTMENT OF DEFENSE—CIVIL  
3                    DEPARTMENT OF THE ARMY  
4                      CORPS OF ENGINEERS—CIVIL  
5                        CONSTRUCTION

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

10                                   OPERATIONS AND MAINTENANCE

11           For an additional amount for “Operations and Main-  
12 tenance” to dredge navigation channels that provide ac-  
13 cess to significant energy infrastructure and for other  
14 maintenance needs, \$100,000,000, to remain available  
15 until expended.

16                                   DEPARTMENT OF THE INTERIOR

17                                    BUREAU OF RECLAMATION

18                                      WATER AND RELATED RESOURCES

19           For an additional amount for “Water and Related  
20 Resources” for rehabilitation of Bureau of Reclamation  
21 owned and operated hydropower facilities and for other  
22 purposes, \$50,000,000, to remain available until ex-  
23 pended: *Provided*, That up to \$5,000,000 can be utilized  
24 by the Bureau of Reclamation to initiate a canal safety  
25 program to assess the condition of Reclamation water sup-  
26 ply canals.

## 1 DEPARTMENT OF ENERGY

## 2 ENERGY EFFICIENCY AND RENEWABLE ENERGY

3 For an additional amount for “Energy Efficiency and  
4 Renewable Energy”, \$1,100,000,000, to remain available  
5 until expended: *Provided*, That of the funds appropriated,  
6 \$500,000,000 is directed to the Weatherization Assistance  
7 Program: *Provided further*, That of the funds appro-  
8 priated, \$300,000,000 is directed to advance battery tech-  
9 nology research, development, and demonstration: *Pro-*  
10 *vided further*, That of the funds appropriated,  
11 \$300,000,000 is directed to competitively awarded local  
12 government and tribal technology demonstration grants.

## 13 NON-DEFENSE ENVIRONMENTAL CLEANUP

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

17 URANIUM ENRICHMENT DECONTAMINATION AND  
18 DECOMMISSIONING FUND

19 For an additional amount for “Uranium Enrichment  
20 Decontamination and Decommissioning Fund”,  
21 \$120,000,000, to remain available until expended, of  
22 which \$20,000,000 shall be available in accordance with  
23 title X, subtitle A, of the Energy Policy Act of 1992.

## 1 SCIENCE

2 For an additional amount for “Science”,  
3 \$150,000,000, to remain available until expended.

## 4 ATOMIC ENERGY DEFENSE ACTIVITIES

## 5 NATIONAL NUCLEAR SECURITY ADMINISTRATION

## 6 WEAPONS ACTIVITIES

7 For an additional amount for “Weapons Activities”,  
8 \$100,000,000, to remain available until expended.

## 9 ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

## 10 DEFENSE ENVIRONMENTAL CLEANUP

11 For an additional amount for “Defense Environ-  
12 mental Cleanup”, \$510,000,000, to remain available until  
13 expended.

## 14 GENERAL PROVISION—THIS CHAPTER

15 SEC. 1301. FUTUREGEN. (a) Subject to subsection  
16 (b), the Secretary of Energy shall reinstate and con-  
17 tinue—

18 (1) the cooperative agreement numbered DE-  
19 FC-26-06NT42073 (as in effect on May 15, 2008);  
20 and

21 (2) Budget Period 1, under such agreement,  
22 through March 31, 2009.

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



## 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   ministrators 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-

1 tion pilot program under paragraph (33) of section 7(a)  
2 of the Small Business Act (15 U.S.C. 636(a)), as redesi-  
3 gnated by section 1401 of this Act; and \$14,000,000 shall  
4 be for the energy efficient technologies pilot program  
5 under section 7(a)(32) of the Small Business Act (15  
6 U.S.C. 636(a)(32)): *Provided further*, That such costs, in-  
7 cluding the cost of modifying such loans, shall be as de-  
8 fined in section 502 of the Congressional Budget Act of  
9 1974.

10 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

11 ADMINISTRATION

12 SEC. 1401. ECONOMIC STIMULUS FOR SMALL BUSI-  
13 NESS CONCERNS. (a) REDUCTION OF FEES.—

14 (1) IN GENERAL.—Until September 30, 2009,  
15 and to the extent the cost of such reduction in fees  
16 is offset by appropriations, with respect to each loan  
17 guaranteed under section 7(a) of Small Business Act  
18 (15 U.S.C. 636(a)) for which the application is ap-  
19 proved on or after the date of enactment of this Act,  
20 the Administrator shall—

21 (A) in lieu of the fee otherwise applicable  
22 under section 7(a)(23)(A) of the Small Busi-  
23 ness Act (15 U.S.C. 636(a)(23)(A)), collect an  
24 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).



## 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

1 (a)(2), the State educational agency shall dis-  
2 tribute 100 percent of such funds to local edu-  
3 cational agencies or, if such State educational  
4 agency is not responsible for the financing of  
5 education facilities, the State educational agen-  
6 cy shall transfer such funds to the State entity  
7 responsible for the financing of education facili-  
8 ties (referred to in this section as the “State  
9 entity”) for distribution by such entity to local  
10 educational agencies in accordance with this  
11 paragraph, to be used, consistent with sub-  
12 section (c), for school repair and renovation.

13 (B) COMPETITIVE GRANTS TO LOCAL EDU-  
14 CATIONAL AGENCIES.—The State educational  
15 agency or State entity shall carry out a pro-  
16 gram awarding grants, on a competitive basis,  
17 to local educational agencies for the purpose de-  
18 scribed in subparagraph (A). Of the total  
19 amount available for distribution to local edu-  
20 cational agencies under this paragraph, the  
21 State educational agency or State entity, shall,  
22 in carrying out the grant competition—

23 (i) award to high-need local edu-  
24 cational agencies, in the aggregate, at least  
25 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.

1 (C) CRITERIA FOR AWARDING GRANTS.—

2 In awarding competitive grants under this para-  
3 graph, a State educational agency or State enti-  
4 ty shall take into account the following criteria:

5 (i) PERCENTAGE OF POOR CHIL-  
6 DREN.—The percentage of poor children 5  
7 to 17 years of age, inclusive, in a local  
8 educational agency.

9 (ii) NEED FOR SCHOOL REPAIR AND  
10 RENOVATION.—The need of a local edu-  
11 cational agency for school repair and ren-  
12 ovation, as demonstrated by the condition  
13 of the public school facilities of the local  
14 educational agency.

15 (iii) FISCAL CAPACITY.—The fiscal ca-  
16 pacity of a local educational agency to  
17 meet the needs of the local educational  
18 agency for repair and renovation of public  
19 school facilities without assistance under  
20 this section, including the ability of the  
21 local educational agency to raise funds  
22 through the use of local bonding capacity  
23 and otherwise.

24 (iv) CHARTER SCHOOL ACCESS TO  
25 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(e) of such Act (20 U.S.C. 6331(e)).

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(e)(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 PROVISION—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 **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.**—The amendments made by  
7       this section shall apply as if included in the enactment  
8       of the Supplemental Appropriations Act, 2008.

9       **SEC. 4002. TEMPORARY FEDERAL MATCHING FOR THE**  
10               **FIRST WEEK OF EXTENDED BENEFITS FOR**  
11               **STATES WITH NO WAITING WEEK.**

12       With respect to weeks of unemployment beginning  
13       after the date of enactment of this Act and ending on or  
14       before December 8, 2009, subparagraph (B) of section  
15       204(a)(2) of the Federal-State Extended Unemployment  
16       Compensation Act of 1970 (26 U.S.C. 3304 note) shall  
17       not apply.

18               **TITLE V—NATIONAL PARK**  
19               **CENTENNIAL FUND ACT**

20       **SECTION 5001. SHORT TITLE.**

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

23       **SEC. 5002. DEFINITIONS.**

24       In this Act:

1           (1) FUND.—The term “Fund” means the Na-  
2           tional Park Centennial Fund established under sec-  
3           tion 5003.

4           (2) IN-KIND.—The term “in-kind” means the  
5           fair market value of non-cash contributions provided  
6           by non-Federal partners, which may be in the form  
7           of real property, equipment, supplies and other ex-  
8           pendable property, as well as other goods and serv-  
9           ices.

10          (3) PROJECT OR PROGRAM.—The term “Project  
11          or program” means a National Park Centennial  
12          Project or Program funded pursuant to this Act.

13          (4) PROPOSAL.—The term “Proposal” means a  
14          National Park Centennial Proposal submitted pursu-  
15          ant to section 5004.

16          (5) SECRETARY.—The term “Secretary” means  
17          the Secretary of the Interior.

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

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

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

4           (2) From the General Fund, an amount equiva-  
5           lent to—

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

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

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

15          **SEC. 5004. PROGRAM ALLOCATION.**

16          (a) **IN GENERAL.**—Each fiscal year, the President's  
17          annual budget submission for the Department of the Inte-  
18          rior shall include a list of proposals which shall be known  
19          as National Park Centennial Proposals. The Secretary  
20          shall establish a standard process for developing the list  
21          that shall encourage input from both the public and a  
22          broad cross-section of employees at every level of the Na-  
23          tional Park Service. The list—

1           (1) shall include proposals having an aggregate  
2           cost to the Federal Government equal to the unobli-  
3           gated amount in the Fund;

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

7           (3) may include proposals for any area within  
8           the national park system (as that term is defined in  
9           section 2 of the Act of August 8, 1953 (16 U.S.C.  
10          1c)), clusters of areas within such system, a region  
11          or regions of such system, or such system in its en-  
12          tirety;

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

17          (5) shall give priority to proposals dem-  
18          onstrating long-term viability beyond receipts from  
19          the Fund;

20          (6) shall include only proposals meeting the re-  
21          quirements of one or more of the initiatives set forth  
22          in subsection (b);

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

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

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

7           (1) EDUCATION IN PARKS CENTENNIAL INITIA-  
8           TIVE.—Proposals for the “Education in Parks Cen-  
9           tennial Initiative” shall meet the following require-  
10          ments:

11                   (A) Priority shall be given to proposals de-  
12                   signed to increase National Park-based edu-  
13                   cational opportunities for elementary, secondary  
14                   and college students particularly those from  
15                   populations historically under represented  
16                   among visitors to the National Park System.

17                   (B) Priority shall be given to proposals de-  
18                   signed to bring students into the National Park  
19                   System in person.

20                   (C) Proposals should include strategies for  
21                   encouraging young people to become lifelong  
22                   advocates for National Parks.

23                   (D) Proposals shall be developed in con-  
24                   sultation with the leadership of educational and

1 youth organizations expected to participate in  
2 the proposed initiative.

3 (2) DIVERSITY IN PARKS CENTENNIAL INITIA-  
4 TIVE.—

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

14 (B) PROPOSALS.—Proposals for the “Di-  
15 versity in Parks Centennial Initiative” shall  
16 meet the following requirements:

17 (i) Each proposal shall be based on  
18 recommendations contained in the report  
19 required in subparagraph (A).

20 (ii) Each proposal shall be designed to  
21 make National Park Service employees,  
22 visitors to the National Park System, or  
23 both, reflect the diversity of the population  
24 of the United States.

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

5                   (A) Taken as a whole, proposals shall pro-  
6                   vide specific opportunities for National Park  
7                   Service employees, at all levels, to participate in  
8                   professional career development.

9                   (B) Proposals may include National Park  
10                  Service-designed, internal professional develop-  
11                  ment programs.

12                  (C) Proposals may also be designed to fa-  
13                  cilitate participation in external professional de-  
14                  velopment programs or established courses of  
15                  study by National Park Service employees.

16           (4) ENVIRONMENTAL LEADERSHIP CENTEN-  
17           NIAL INITIATIVE.—Proposals for the “Environ-  
18           mental Leadership Centennial Initiative” shall meet  
19           the following requirements:

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

22                           (i) Reduce harmful emissions.

23                           (ii) Conserve energy or water re-  
24                   sources.

1 (iii) Reduce solid waste production  
2 within the National Park System.

3 (B) Each proposal shall include strategies  
4 for educating the public regarding Environ-  
5 mental Leadership projects and their results.

6 (C) Priority shall be given to proposals  
7 with the potential to spread technological ad-  
8 vances to other Federal agencies or to the pri-  
9 vate sector.

10 (5) NATURAL RESOURCE PROTECTION CENTEN-  
11 NIAL INITIATIVE.—Proposals for the “Natural Re-  
12 source Protection Centennial Initiative” shall meet  
13 the following requirements:

14 (A) Each proposal shall be designed to re-  
15 store or conserve native ecosystems within the  
16 National Park System.

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

19 (C) Each proposal shall be based on the  
20 best available scientific information.

21 (6) CULTURAL RESOURCE PROTECTION CEN-  
22 TENNIAL INITIATIVE.—Proposals for the “Cultural  
23 Resource Protection Centennial Initiative” shall—

24 (A) either—



1 healthy outdoor activity within the Na-  
2 tional Park System.

3 (ii) Proposals designed to expand op-  
4 portunities for access to the National Park  
5 System for visitors with disabilities.

6 (iii) Proposals to develop and imple-  
7 ment management plans (such as climbing  
8 plans and trail system plans) for activities  
9 designed to increase the health and fitness  
10 of visitors to the National Park System.

11 (iv) Proposals to develop outreach  
12 programs and media that provide public  
13 information regarding health and fitness  
14 opportunities within the National Park  
15 System.

16 (B) MISCELLANEOUS REQUIREMENTS.—  
17 All proposals for “the Health and Fitness in  
18 Parks Centennial Initiative” shall—

19 (i) be consistent with National Park  
20 Service policies and adopted park planning  
21 documents; and

22 (ii) be designed to provide for visitor  
23 enjoyment in such a way as to leave the  
24 National Park System unimpaired for fu-  
25 ture generations.

1 (c) FUNDING.—In each of fiscal years 2009 through  
2 2018, unobligated amounts in the Fund shall be available  
3 without further appropriation for projects authorized by  
4 this Act, but may not be obligated or expended until 120  
5 days after the annual submission of the list of proposals  
6 required under this section to allow for Congressional re-  
7 view.

8 (d) LIMITATION ON DISTRIBUTION OF FUNDS.—No  
9 more than 50 percent of amounts available from the Fund  
10 for any fiscal year may be spent on projects that are for  
11 the construction of facilities that cost in excess of  
12 \$5,000,000.

13 **SEC. 5005. PARTNERSHIPS.**

14 (a) DONATIONS.—The Secretary may actively en-  
15 courage and facilitate participation in proposals from non-  
16 Federal and philanthropic partners, and may accept dona-  
17 tions, both monetary and in-kind for any Project or Pro-  
18 gram pursuant to section 1 of the Act of June 5, 1920  
19 (16 U.S.C. 6), and other authorities to accept donations  
20 existing on the date of enactment of this Act.

21 (b) TERMS AND CONDITIONS.—To the extent that  
22 private organizations or individuals are to participate in  
23 or contribute to any Project or Program, the terms and  
24 conditions of that participation or contribution as well as  
25 all actions of employees of the National Park Service, shall

1 be governed by National Park Service Directors Order  
2 #21, "Donations and Fundraising", as in force on the  
3 date of the enactment of this Act.

4 **SEC. 5006. MAINTENANCE OF EFFORT.**

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

15 **SEC. 5007. REPORTS.**

16       For each fiscal year beginning in fiscal year 2009,  
17 the Secretary shall submit to Congress a report that in-  
18 cludes the following:

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



1       This division may be cited as the “Economic Recov-  
2   ery Act, 2008”.

1       Amend section 2 of the House amendment by adding  
2 the following: “Division \_\_\_\_—Economic Recovery Act,  
3 2008”.