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111TH CONGRESS
1ST SESSION

H. R. 679

[Report No. 111-4]

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2009

Mr. OBEY, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “American Recovery
3 and Reinvestment Act of 2009”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents for this Act is as follows:

TITLE I—GENERAL PROVISIONS
TITLE II—AGRICULTURE, NUTRITION, AND RURAL DEVELOPMENT
TITLE III—COMMERCE, JUSTICE, AND SCIENCE
TITLE IV—DEFENSE
TITLE V—ENERGY AND WATER
TITLE VI—FINANCIAL SERVICES AND GENERAL GOVERNMENT
TITLE VII—HOMELAND SECURITY
TITLE VIII—INTERIOR AND ENVIRONMENT
TITLE IX—LABOR, HEALTH AND HUMAN SERVICES, AND EDU-
CATION
TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS
TITLE XI—DEPARTMENT OF STATE
TITLE XII—TRANSPORTATION, AND HOUSING AND URBAN DEVEL-
OPMENT
TITLE XIII—STATE FISCAL STABILIZATION FUND

6 **SEC. 3. STATEMENT OF APPROPRIATIONS.**

7 The following sums in this Act are appropriated, out
8 of any money in the Treasury not otherwise appropriated,
9 for the fiscal year ending September 30, 2009, and for
10 other purposes.

11 **TITLE I—GENERAL PROVISIONS**

12 **Subtitle A—Use of Funds**

13 **SEC. 1101. PURPOSES AND PRINCIPLES.**

14 (a) STATEMENT OF PURPOSES.—The purposes of
15 this Act include the following:

16 (1) To preserve and create jobs and promote
17 economic recovery.

1 (2) To assist those most impacted by the recess-
2 sion.

3 (3) To provide investments needed to increase
4 economic efficiency by spurring technological ad-
5 vances in science and health.

6 (4) To invest in transportation, environmental
7 protection, and other infrastructure that will provide
8 long-term economic benefits.

9 (5) To stabilize State and local government
10 budgets, in order to minimize and avoid reductions
11 in essential services and counterproductive state and
12 local tax increases.

13 (b) GENERAL PRINCIPLES CONCERNING USE OF
14 FUNDS.—The President and the heads of Federal depart-
15 ments and agencies shall manage and expend the funds
16 made available in this Act so as to achieve the purposes
17 specified in subsection (a), including commencing expendi-
18 tures and activities as quickly as possible consistent with
19 prudent management.

20 **SEC. 1102. PREFERENCE FOR QUICK-START ACTIVITIES.**

21 In using funds made available in this Act for infra-
22 structure investment, recipients shall give preference to
23 activities that can be started and completed expeditiously,
24 including a goal of using at least 50 percent of the funds
25 for activities that can be initiated not later than 120 days

1 after the date of the enactment of this Act. Recipients
2 shall also use grant funds in a manner that maximizes
3 job creation and economic benefit.

4 **SEC. 1103. REQUIREMENT OF TIMELY AWARD OF GRANTS.**

5 (a) **FORMULA GRANTS.**—Formula grants using funds
6 made available in this Act shall be awarded not later than
7 30 days after the date of the enactment of this Act (or,
8 in the case of appropriations not available upon enact-
9 ment, not later than 30 days after the appropriation be-
10 comes available for obligation), unless expressly provided
11 otherwise in this Act.

12 (b) **COMPETITIVE GRANTS.**—Competitive grants
13 using funds made available in this Act shall be awarded
14 not later than 90 days after the date of the enactment
15 of this Act (or, in the case of appropriations not available
16 upon enactment, not later than 90 days after the appro-
17 priation becomes available for obligation), unless expressly
18 provided otherwise in this Act.

19 (c) **ADDITIONAL PERIOD FOR NEW PROGRAMS.**—The
20 time limits specified in subsections (a) and (b) may each
21 be extended by up to 30 days in the case of grants for
22 which funding was not provided in fiscal year 2008.

1 **SEC. 1104. USE IT OR LOSE IT REQUIREMENTS FOR GRANT-**
2 **EES.**

3 (a) DEADLINE FOR BINDING COMMITMENTS.—Each
4 recipient of a grant made using amounts made available
5 in this Act in any account listed in subsection (c) shall
6 enter into contracts or other binding commitments not
7 later than 1 year after the date of the enactment of this
8 Act (or not later than 9 months after the grant is award-
9 ed, if later) to make use of 50 percent of the funds award-
10 ed, and shall enter into contracts or other binding commit-
11 ments not later than 2 years after the date of the enact-
12 ment of this Act (or not later than 21 months after the
13 grant is awarded, if later) to make use of the remaining
14 funds. In the case of activities to be carried out directly
15 by a grant recipient (rather than by contracts, subgrants,
16 or other arrangements with third parties), a certification
17 by the recipient specifying the amounts, planned timing,
18 and purpose of such expenditures shall be deemed a bind-
19 ing commitment for purposes of this section.

20 (b) REDISTRIBUTION OF UNCOMMITTED FUNDS.—
21 The head of the Federal department or agency involved
22 shall recover or deobligate any grant funds not committed
23 in accordance with subsection (a), and redistribute such
24 funds to other recipients eligible under the grant program
25 and able to make use of such funds in a timely manner

1 (including binding commitments within 120 days after the
2 reallocation).

3 (c) APPROPRIATIONS TO WHICH THIS SECTION AP-
4 PLIES.—This section shall apply to grants made using
5 amounts appropriated in any of the following accounts
6 within this Act:

7 (1) “Environmental Protection Agency—State
8 and Tribal Assistance Grants”.

9 (2) “Department of Transportation—Federal
10 Aviation Administration—Grants-in-Aid for Air-
11 ports”.

12 (3) “Department of Transportation—Federal
13 Railroad Administration—Capital Assistance for
14 Intercity Passenger Rail Service”.

15 (4) “Department of Transportation—Federal
16 Transit Administration—Capital Investment
17 Grants”.

18 (5) “Department of Transportation—Federal
19 Transit Administration—Fixed Guideway Infra-
20 structure Investment”.

21 (6) “Department of Transportation—Federal
22 Transit Administration—Transit Capital Assist-
23 ance”.

1 (7) “Department of Housing and Urban Devel-
2 opment—Public and Indian Housing—Public Hous-
3 ing Capital Fund”.

4 (8) “Department of Housing and Urban Devel-
5 opment—Public and Indian Housing—Elderly, Dis-
6 abled, and Section 8 Assisted Housing Energy Ret-
7 rofit”.

8 (9) “Department of Housing and Urban Devel-
9 opment—Public and Indian Housing—Native Amer-
10 ican Housing Block Grants”.

11 (10) “Department of Housing and Urban De-
12 velopment—Community Planning and Develop-
13 ment—HOME Investment Partnerships Program”.

14 (11) “Department of Housing and Urban De-
15 velopment—Community Planning and Develop-
16 ment—Self-Help and Assisted Homeownership Op-
17 portunity Program”.

18 **SEC. 1105. PERIOD OF AVAILABILITY.**

19 (a) IN GENERAL.—All funds appropriated in this Act
20 shall remain available for obligation until September 30,
21 2010, unless expressly provided otherwise in this Act.

22 (b) REOBLIGATION.—Amounts that are not needed
23 or cannot be used under title X of this Act for the activity
24 for which originally obligated may be deobligated and, not-
25 withstanding the limitation on availability specified in sub-

1 section (a), reobligated for other activities that have re-
2 ceived funding from the same account or appropriation in
3 such title.

4 **SEC. 1106. SET-ASIDE FOR MANAGEMENT AND OVERSIGHT.**

5 Unless other provision is made in this Act (or in other
6 applicable law) for such expenses, up to 0.5 percent of
7 each amount appropriated in this Act may be used for the
8 expenses of management and oversight of the programs,
9 grants, and activities funded by such appropriation, and
10 may be transferred by the head of the Federal department
11 or agency involved to any other appropriate account within
12 the department or agency for that purpose. Funds set
13 aside under this section shall remain available for obliga-
14 tion until September 30, 2012.

15 **SEC. 1107. APPROPRIATIONS FOR INSPECTORS GENERAL.**

16 In addition to funds otherwise made available in this
17 Act, there are hereby appropriated the following sums to
18 the specified Offices of Inspector General, to remain avail-
19 able until September 30, 2013, for oversight and audit of
20 programs, grants, and projects funded under this Act:

21 (1) “Department of Agriculture—Office of In-
22 spector General”, \$22,500,000.

23 (2) “Department of Commerce—Office of In-
24 spector General”, \$10,000,000.

1 (3) “Department of Defense—Office of the In-
2 spector General”, \$15,000,000.

3 (4) “Department of Education—Departmental
4 Management—Office of the Inspector General”,
5 \$14,000,000.

6 (5) “Department of Energy—Office of Inspec-
7 tor General”, \$15,000,000.

8 (6) “Department of Health and Human Serv-
9 ices—Office of the Secretary—Office of Inspector
10 General”, \$19,000,000.

11 (7) “Department of Homeland Security—Office
12 of Inspector General”, \$2,000,000.

13 (8) “Department of Housing and Urban Devel-
14 opment—Management and Administration—Office
15 of Inspector General”, \$15,000,000.

16 (9) “Department of the Interior—Office of In-
17 spector General”, \$15,000,000.

18 (10) “Department of Justice—Office of Inspec-
19 tor General”, \$2,000,000.

20 (11) “Department of Labor—Departmental
21 Management—Office of Inspector General”,
22 \$6,000,000.

23 (12) “Department of Transportation—Office of
24 Inspector General”, \$20,000,000.

1 (13) “Department of Veterans Affairs—Office
2 of Inspector General”, \$1,000,000.

3 (14) “Environmental Protection Agency—Office
4 of Inspector General”, \$20,000,000.

5 (15) “General Services Administration—Gen-
6 eral Activities—Office of Inspector General”,
7 \$15,000,000.

8 (16) “National Aeronautics and Space Adminis-
9 tration—Office of Inspector General”, \$2,000,000.

10 (17) “National Science Foundation—Office of
11 Inspector General”, \$2,000,000.

12 (18) “Small Business Administration—Office of
13 Inspector General”, \$10,000,000.

14 (19) “Social Security Administration—Office of
15 Inspector General”, \$2,000,000.

16 (20) “Corporation for National and Community
17 Service—Office of Inspector General”, \$1,000,000.

18 **SEC. 1108. APPROPRIATION FOR GOVERNMENT ACCOUNT-**

19 **ABILITY OFFICE.**

20 There is hereby appropriated as an additional amount
21 for “Government Accountability Office—Salaries and Ex-
22 penses” \$25,000,000, for oversight activities relating to
23 this Act.

1 **SEC. 1109. PROHIBITED USES.**

2 None of the funds appropriated or otherwise made
3 available in this Act may be used for any casino or other
4 gambling establishment, aquarium, zoo, golf course, or
5 swimming pool.

6 **SEC. 1110. USE OF AMERICAN IRON AND STEEL.**

7 (a) IN GENERAL.—None of the funds appropriated
8 or otherwise made available by this Act may be used for
9 a project for the construction, alteration, maintenance, or
10 repair of a public building or public work unless all of the
11 iron and steel used in the project is produced in the United
12 States.

13 (b) EXCEPTIONS.—Subsection (a) shall not apply in
14 any case in which the head of the Federal department or
15 agency involved finds that—

16 (1) applying subsection (a) would be incon-
17 sistent with the public interest;

18 (2) iron and steel are not produced in the
19 United States in sufficient and reasonably available
20 quantities and of a satisfactory quality; or

21 (3) inclusion of iron and steel produced in the
22 United States will increase the cost of the overall
23 project by more than 25 percent.

24 (c) WRITTEN JUSTIFICATION FOR WAIVER.—If the
25 head of a Federal department or agency determines that
26 it is necessary to waive the application of subsection (a)

1 based on a finding under subsection (b), the head of the
2 department or agency shall publish in the Federal Register
3 a detailed written justification as to why the provision is
4 being waived.

5 (d) DEFINITIONS.—In this section, the terms “public
6 building” and “public work” have the meanings given such
7 terms in section 1 of the Buy American Act (41 U.S.C.
8 10c) and include airports, bridges, canals, dams, dikes,
9 pipelines, railroads, multiline mass transit systems, roads,
10 tunnels, harbors, and piers.

11 **SEC. 1111. WAGE RATE REQUIREMENTS.**

12 Notwithstanding any other provision of law and in
13 a manner consistent with other provisions in this Act, all
14 laborers and mechanics employed by contractors and sub-
15 contractors on projects funded directly by or assisted in
16 whole or in part by and through the Federal Government
17 pursuant to this Act shall be paid wages at rates not less
18 than those prevailing on projects of a character similar
19 in the locality as determined by the Secretary of Labor
20 in accordance with subchapter IV of chapter 31 of title
21 40, United States Code. With respect to the labor stand-
22 ards specified in this section, the Secretary of Labor shall
23 have the authority and functions set forth in Reorganiza-
24 tion Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.
25 App.) and section 3145 of title 40, United States Code.

1 **SEC. 1112. RELATIONSHIP TO OTHER APPROPRIATIONS.**

2 Each amount appropriated or made available in this
3 Act is in addition to amounts otherwise appropriated for
4 the fiscal year involved. Enactment of this Act shall have
5 no effect on the availability of amounts under the Con-
6 tinuing Appropriations Resolution, 2009 (division A of
7 Public Law 110–329).

8 **SEC. 1113. EMERGENCY DESIGNATION.**

9 Each amount in this Act is designated as an emer-
10 gency requirement and necessary to meet emergency needs
11 pursuant to section 204(a) of S. Con. Res. 21 (110th Con-
12 gress) and section 301(b)(2) of S. Con. Res. 70 (110th
13 Congress), the concurrent resolutions on the budget for
14 fiscal years 2008 and 2009.

15 **SEC. 1114. ADDITIONAL ASSURANCE OF APPROPRIATE USE**
16 **OF FUNDS.**

17 None of the funds provided by this Act may be made
18 available to the State of Illinois, or any agency of the
19 State, unless (1) the use of such funds by the State is
20 approved in legislation enacted by the State after the date
21 of the enactment of this Act, or (2) Rod R. Blagojevich
22 no longer holds the office of Governor of the State of Illi-
23 nois. The preceding sentence shall not apply to any funds
24 provided directly to a unit of local government (1) by a
25 Federal department or agency or (2) by an established for-
26 mula from the State.

1 **SEC. 1115. PERSISTENT POVERTY COUNTIES.**

2 (a) ALLOCATION REQUIREMENT.—Of the amount ap-
3 propriated in this Act for at least 10 percent shall be allo-
4 cated for assistance in persistent poverty counties.

5 (b) DEFINITION.—For purposes of this section, the
6 term “persistent poverty counties” means any county that
7 has had 20 percent or more of its population living in pov-
8 erty over the past 30 years, as measured by the 1980,
9 1990, and 2000 decennial censuses.

10 **SEC. 1116. REQUIRED PARTICIPATION IN E-VERIFY PRO-**
11 **GRAM.**

12 None of the funds made available in this Act may
13 be used to enter into a contract with an entity that does
14 not participate in the E-verify program described in sec-
15 tion 401(b) of the Illegal Immigration Reform and Immi-
16 grant Responsibility Act of 1996 (8 U.S.C. 6 1324a note).

17 **Subtitle B—Accountability in**
18 **Recovery Act Spending**

19 **PART 1—TRANSPARENCY AND OVERSIGHT**
20 **REQUIREMENTS**

21 **SEC. 1201. TRANSPARENCY REQUIREMENTS.**

22 (a) REQUIREMENTS FOR FEDERAL AGENCIES.—
23 Each Federal agency shall publish on the website Recov-
24 ery.gov (as established under section 1226 of this sub-
25 title)—

1 (1) a plan for using funds made available in
2 this Act to the agency; and

3 (2) all announcements for grant competitions,
4 allocations of formula grants, and awards of com-
5 petitive grants using those funds.

6 (b) REQUIREMENTS FOR FEDERAL, STATE, AND
7 LOCAL GOVERNMENT AGENCIES.—

8 (1) INFRASTRUCTURE INVESTMENT FUND-
9 ING.—With respect to funds made available under
10 this Act for infrastructure investments to Federal,
11 State, or local government agencies, the following re-
12 quirements apply:

13 (A) Each such agency shall notify the pub-
14 lic of funds obligated to particular infrastruc-
15 ture investments by posting the notification on
16 the website Recovery.gov.

17 (B) The notification required by subpara-
18 graph (A) shall include the following:

19 (i) A description of the infrastructure
20 investment funded.

21 (ii) The purpose of the infrastructure
22 investment.

23 (iii) The total cost of the infrastruc-
24 ture investment.

1 (iv) The rationale of the agency for
2 funding the infrastructure investment with
3 funds made available under this Act.

4 (v) The name of the person to contact
5 at the agency if there are concerns with
6 the infrastructure investment and, with re-
7 spect to Federal agencies, an email address
8 for the Federal official in the agency whom
9 the public can contact.

10 (vi) In the case of State or local agen-
11 cies, a certification from the Governor,
12 mayor, or other chief executive, as appro-
13 priate, that the infrastructure investment
14 has received the full review and vetting re-
15 quired by law and that the chief executive
16 accepts responsibility that the infrastruc-
17 ture investment is an appropriate use of
18 taxpayer dollars. A State or local agency
19 may not receive infrastructure investment
20 funding from funds made available in this
21 Act unless this certification is made.

22 (2) OPERATIONAL FUNDING.—With respect to
23 funds made available under this Act in the form of
24 grants for operational purposes to State or local gov-
25 ernment agencies or other organizations, the agency

1 or organization shall publish on the website Recov-
2 ery.gov a description of the intended use of the
3 funds, including the number of jobs sustained or cre-
4 ated.

5 (c) AVAILABILITY ON INTERNET OF CONTRACTS AND
6 GRANTS.—Each contract awarded or grant issued using
7 funds made available in this Act shall be posted on the
8 Internet and linked to the website Recovery.gov. Propri-
9 etary data that is required to be kept confidential under
10 applicable Federal or State law or regulation shall be re-
11 dacted before posting.

12 **SEC. 1202. INSPECTOR GENERAL REVIEWS.**

13 (a) REVIEWS.—Any inspector general of a Federal
14 department or executive agency shall review, as appro-
15 priate, any concerns raised by the public about specific
16 investments using funds made available in this Act. Any
17 findings of an inspector general resulting from such a re-
18 view shall be relayed immediately to the head of each de-
19 partment and agency. In addition, the findings of such re-
20 views, along with any audits conducted by any inspector
21 general of funds made available in this Act, shall be posted
22 on the Internet and linked to the website Recovery.gov.

23 (b) EXAMINATION OF RECORDS.—The Inspector
24 General of the agency concerned may examine any records
25 related to obligations of funds made available in this Act.

1 **SEC. 1203. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
2 **VIEWS AND REPORTS.**

3 (a) **REVIEWS AND REPORTS.**—The Comptroller Gen-
4 eral of the United States shall conduct bimonthly reviews
5 and prepare reports on such reviews on the use by selected
6 States and localities of funds made available in this Act.
7 Such reports, along with any audits conducted by the
8 Comptroller General of such funds, shall be posted on the
9 Internet and linked to the website Recovery.gov.

10 (b) **EXAMINATION OF RECORDS.**—The Comptroller
11 General may examine any records related to obligations
12 of funds made available in this Act.

13 **SEC. 1204. COUNCIL OF ECONOMIC ADVISERS REPORTS.**

14 The Chairman of the Council of Economic Advisers,
15 in consultation with the Director of the Office of Manage-
16 ment and Budget and the Secretary of the Treasury, shall
17 submit quarterly reports to Congress detailing the esti-
18 mated impact of programs under this Act on employment,
19 economic growth, and other key economic indicators.

20 **SEC. 1205. SPECIAL CONTRACTING PROVISIONS.**

21 The Federal Acquisition Regulation shall apply to
22 contracts awarded with funds made available in this Act.
23 To the maximum extent possible, such contracts shall be
24 awarded as fixed-price contracts through the use of com-
25 petitive procedures. Existing contracts so awarded may be
26 utilized in order to obligate such funds expeditiously. Any

1 contract awarded with such funds that is not fixed-price
2 and not awarded using competitive procedures shall be
3 posted in a special section of the website Recovery.gov.

4 **PART 2—ACCOUNTABILITY AND TRANSPARENCY**
5 **BOARD**

6 **SEC. 1221. ESTABLISHMENT OF THE ACCOUNTABILITY AND**
7 **TRANSPARENCY BOARD.**

8 There is established a board to be known as the “Re-
9 covery Act Accountability and Transparency Board”
10 (hereafter in this subtitle referred to as the “Board”) to
11 coordinate and conduct oversight of Federal spending
12 under this Act to prevent waste, fraud, and abuse.

13 **SEC. 1222. COMPOSITION OF BOARD.**

14 (a) MEMBERSHIP.—The Board shall be composed of
15 seven members as follows:

16 (1) The Chief Performance Officer of the Presi-
17 dent, who shall chair the Board.

18 (2) Six members designated by the President
19 from the inspectors general and deputy secretaries
20 of the Departments of Education, Energy, Health
21 and Human Services, Transportation, and other
22 Federal departments and agencies to which funds
23 are made available in this Act.

24 (b) TERMS.—Each member of the Board shall serve
25 for a term to be determined by the President.

1 **SEC. 1223. FUNCTIONS OF THE BOARD.**

2 (a) OVERSIGHT.—The Board shall coordinate and
3 conduct oversight of spending under this Act to prevent
4 waste, fraud, and abuse. In addition to responsibilities set
5 forth in this subtitle, the responsibilities of the Board shall
6 include the following:

7 (1) Ensuring that the reporting of information
8 regarding contract and grants under this Act meets
9 applicable standards and specifies the purpose of the
10 contract or grant and measures of performance.

11 (2) Verifying that competition requirements ap-
12 plicable to contracts and grants under this Act and
13 other applicable Federal law have been satisfied.

14 (3) Investigating spending under this Act to de-
15 termine whether wasteful spending, poor contract or
16 grant management, or other abuses are occurring.

17 (4) Reviewing whether there are sufficient
18 qualified acquisition and grant personnel overseeing
19 spending under this Act.

20 (5) Reviewing whether acquisition and grant
21 personnel receive adequate training and whether
22 there are appropriate mechanisms for interagency
23 collaboration.

24 (b) REPORTS.—

25 (1) FLASH AND OTHER REPORTS.—The Board
26 shall submit to Congress reports, to be known as

1 “flash reports”, on potential management and fund-
2 ing problems that require immediate attention. The
3 Board also shall submit to Congress such other re-
4 ports as the Board considers appropriate on the use
5 and benefits of funds made available in this Act.

6 (2) QUARTERLY.—The Board shall submit to
7 the President and Congress quarterly reports sum-
8 marizing its findings and the findings of agency in-
9 spectors general and may issue additional reports as
10 appropriate.

11 (3) ANNUALLY.—On an annual basis, the
12 Board shall prepare a consolidated report on the use
13 of funds under this Act. All reports shall be publicly
14 available and shall be posted on the Internet website
15 Recovery.gov, except that portions of reports may be
16 redacted if the portions would disclose information
17 that is protected from public disclosure under sec-
18 tion 552 of title 5, United States Code (popularly
19 known as the Freedom of Information Act).

20 (c) RECOMMENDATIONS TO AGENCIES.—The Board
21 shall make recommendations to Federal agencies on meas-
22 ures to prevent waste, fraud, and abuse. A Federal agency
23 shall, within 30 days after receipt of any such rec-
24 ommendation, submit to the Board, the President, and the
25 congressional committees of jurisdiction a report on

1 whether the agency agrees or disagrees with the rec-
2 ommendations and what steps, if any, the agency plans
3 to take to implement the recommendations.

4 **SEC. 1224. POWERS OF THE BOARD.**

5 (a) COORDINATION OF AUDITS AND INVESTIGATIONS
6 BY AGENCY INSPECTORS GENERAL.—The Board shall co-
7 ordinate the audits and investigations of spending under
8 this Act by agency inspectors general.

9 (b) CONDUCT OF REVIEWS BY BOARD.—The Board
10 may conduct reviews of spending under this Act and may
11 collaborate on such reviews with any inspector general.

12 (c) MEETINGS.—The Board may, for the purpose of
13 carrying out its duties under this Act, hold public meet-
14 ings, sit and act at times and places, and receive informa-
15 tion as the Board considers appropriate. The Board shall
16 meet at least once a month.

17 (d) OBTAINING OFFICIAL DATA.—The Board may
18 secure directly from any department or agency of the
19 United States information necessary to enable it to carry
20 out its duties under this Act. Upon request of the Chair-
21 man of the Board, the head of that department or agency
22 shall furnish that information to the Board.

23 (e) CONTRACTS.—The Board may enter into con-
24 tracts to enable the Board to discharge its duties under
25 this Act.

1 **SEC. 1225. STAFFING.**

2 (a) EXECUTIVE DIRECTOR.—The Chairman of the
3 Board may appoint and fix the compensation of an execu-
4 tive director and other personnel as may be required to
5 carry out the functions of the Board. The Director shall
6 be paid at the rate of basic pay for level IV of the Execu-
7 tive Schedule.

8 (b) STAFF OF FEDERAL AGENCIES.—Upon request
9 of the Board, the head of any Federal department or agen-
10 cy may detail any Federal official or employee, including
11 officials and employees of offices of inspector general, to
12 the Board without reimbursement from the Board, and
13 such detailed staff shall retain the rights, status, and
14 privileges of his or her regular employment without inter-
15 ruption.

16 (c) OFFICE SPACE.—Office space shall be provided
17 to the Board within the Executive Office of the President.

18 **SEC. 1226. RECOVERY.GOV.**

19 (a) REQUIREMENT TO ESTABLISH WEBSITE.—The
20 Board shall establish and maintain a website on the Inter-
21 net to be named Recovery.gov, to foster greater account-
22 ability and transparency in the use of funds made avail-
23 able in this Act.

24 (b) PURPOSE.—Recovery.gov shall be a portal or
25 gateway to key information related to this Act and provide

1 a window to other Government websites with related infor-
2 mation.

3 (c) MATTERS COVERED.—In establishing the website
4 Recovery.gov, the Board shall ensure the following:

5 (1) The website shall provide materials explain-
6 ing what this Act means for citizens. The materials
7 shall be easy to understand and regularly updated.

8 (2) The website shall provide accountability in-
9 formation, including a database of findings from au-
10 dits, inspectors general, and the Government Ac-
11 countability Office.

12 (3) The website shall provide data on relevant
13 economic, financial, grant, and contract information
14 in user-friendly visual presentations to enhance pub-
15 lic awareness of the use funds made available in this
16 Act.

17 (4) The website shall provide detailed data on
18 contracts awarded by the Government for purposes
19 of carrying out this Act, including information about
20 the competitiveness of the contracting process, noti-
21 fication of solicitations for contracts to be awarded,
22 and information about the process that was used for
23 the award of contracts.

1 (5) The website shall include printable reports
2 on funds made available in this Act obligated by
3 month to each State and congressional district.

4 (6) The website shall provide a means for the
5 public to give feedback on the performance of con-
6 tracts awarded for purposes of carrying out this Act.

7 (7) The website shall be enhanced and updated
8 as necessary to carry out the purposes of this sub-
9 title.

10 **SEC. 1227. PRESERVATION OF THE INDEPENDENCE OF IN-**
11 **SPECTORS GENERAL.**

12 Inspectors general shall retain independent authority
13 to determine whether to conduct an audit or investigation
14 of spending under this Act. If the Board requests that
15 an inspector general conduct or refrain from conducting
16 an audit or investigation and the inspector general rejects
17 the request in whole or in part, the inspector general shall,
18 within 30 days after receipt of the request, submit to the
19 Board, the agency head, and the congressional committees
20 of jurisdiction a report explaining why the inspector gen-
21 eral has rejected the request in whole or in part.

1 **SEC. 1228. COORDINATION WITH THE COMPTROLLER GEN-**
2 **ERAL AND STATE AUDITORS.**

3 The Board shall coordinate its oversight activities
4 with the Comptroller General of the United States and
5 State auditor generals.

6 **SEC. 1229. INDEPENDENT ADVISORY PANEL.**

7 (a) ESTABLISHMENT.—There is established a panel
8 to be known as the “Independent Advisory Panel” to ad-
9 vise the Board.

10 (b) MEMBERSHIP.—The Panel shall be composed of
11 five members appointed by the President from among indi-
12 viduals with expertise in economics, public finance, con-
13 tracting, accounting, or other relevant fields.

14 (c) FUNCTIONS.—The Panel shall make rec-
15 ommendations to the Board on actions the Board could
16 take to prevent waste, fraud, and abuse in Federal spend-
17 ing under this Act.

18 (d) TRAVEL EXPENSES.—Each member of the Panel
19 shall receive travel expenses, including per diem in lieu
20 of subsistence, in accordance with applicable provisions
21 under subchapter I of chapter 57 of title 5, United States
22 Code.

23 **SEC. 1230. FUNDING.**

24 There is hereby appropriated to the Board
25 \$14,000,000 to carry out this subtitle.

1 **SEC. 1231. BOARD TERMINATION.**

2 The Board shall terminate 12 months after 90 per-
3 cent of the funds made available under this Act have been
4 expended, as determined by the Director of the Office of
5 Management and Budget.

6 **PART 3—ADDITIONAL ACCOUNTABILITY AND**
7 **TRANSPARENCY PROVISIONS**

8 **SEC. 1241. LIMITATION ON THE LENGTH OF CERTAIN NON-**
9 **COMPETITIVE CONTRACTS.**

10 No contract entered into using funds made available
11 in this Act pursuant to the authority provided in section
12 303(c)(2) of the Federal Property and Administrative
13 Services Act of 1949 (41 U.S.C. 253(c)(2)) that is for an
14 amount greater than the simplified acquisition threshold
15 (as defined in section 4(11) of the Office of Federal Pro-
16 curement Policy Act (41 U.S.C. (4)(11))—

17 (1) may exceed the time necessary—

18 (A) to meet the unusual and compelling re-
19 quirements of the work to be performed under
20 the contract; and

21 (B) for the executive agency to enter into
22 another contract for the required goods or serv-
23 ices through the use of competitive procedures;
24 and

1 (2) may exceed one year unless the head of the
2 executive agency entering into such contract deter-
3 mines that exceptional circumstances apply.

4 **SEC. 1242. ACCESS OF GOVERNMENT ACCOUNTABILITY OF-**
5 **FIGE AND OFFICES OF INSPECTOR GENERAL**
6 **TO CERTAIN EMPLOYEES.**

7 (a) ACCESS.—Each contract awarded using funds
8 made available in this Act shall provide that the Comp-
9 troller General and his representatives, and any represent-
10 atives of an appropriate inspector general appointed under
11 section 3 or 8G of the Inspector General Act of 1978 (5
12 U.S.C. App.), are authorized—

13 (1) to examine any records of the contractor or
14 any of its subcontractors, or any State or local agen-
15 cy administering such contract, that directly pertain
16 to, and involve transactions relating to, the contract
17 or subcontract; and

18 (2) to interview any current employee regarding
19 such transactions.

20 (b) RELATIONSHIP TO EXISTING AUTHORITY.—
21 Nothing in this section shall be interpreted to limit or re-
22 strict in any way any existing authority of the Comptroller
23 General or an Inspector General.

1 **SEC. 1243. PROTECTING STATE AND LOCAL GOVERNMENT**
2 **AND CONTRACTOR WHISTLEBLOWERS.**

3 (a) PROHIBITION OF REPRISALS.—An employee of
4 any non-Federal employer receiving funds made available
5 in this Act may not be discharged, demoted, or otherwise
6 discriminated against as a reprisal for disclosing to the
7 Board, an inspector general, the Comptroller General, a
8 member of Congress, or a Federal agency head, or their
9 representatives, information that the employee reasonably
10 believes is evidence of—

11 (1) gross mismanagement of an executive agen-
12 cy contract or grant;

13 (2) a gross waste of executive agency funds;

14 (3) a substantial and specific danger to public
15 health or safety; or

16 (4) a violation of law related to an executive
17 agency contract (including the competition for or ne-
18 gotiation of a contract) or grant awarded or issued
19 to carry out this Act.

20 (b) INVESTIGATION OF COMPLAINTS.—

21 (1) A person who believes that the person has
22 been subjected to a reprisal prohibited by subsection
23 (a) may submit a complaint to the inspector general
24 of the executive agency that awarded the contract or
25 issued the grant. Unless the inspector general deter-
26 mines that the complaint is frivolous, the inspector

1 general shall investigate the complaint and, upon
2 completion of such investigation, submit a report of
3 the findings of the investigation to the person, the
4 person's employer, the head of the Federal agency
5 that awarded the contract or issued the grant, and
6 the Board.

7 (2)(A) Except as provided under subparagraph
8 (B), the inspector general shall make a determina-
9 tion that a complaint is frivolous or submit a report
10 under paragraph (1) within 180 days after receiving
11 the complaint.

12 (B) If the inspector general is unable to com-
13 plete an investigation in time to submit a report
14 within the 180-day period specified in subparagraph
15 (A) and the person submitting the complaint agrees
16 to an extension of time, the inspector general shall
17 submit a report under paragraph (1) within such ad-
18 ditional period of time as shall be agreed upon be-
19 tween the inspector general and the person submit-
20 ting the complaint.

21 (c) REMEDY AND ENFORCEMENT AUTHORITY.—

22 (1) Not later than 30 days after receiving an
23 inspector general report pursuant to subsection (b),
24 the head of the agency concerned shall determine
25 whether there is sufficient basis to conclude that the

1 non-Federal employer has subjected the complainant
2 to a reprisal prohibited by subsection (a) and shall
3 either issue an order denying relief or shall take one
4 or more of the following actions:

5 (A) Order the employer to take affirmative
6 action to abate the reprisal.

7 (B) Order the employer to reinstate the
8 person to the position that the person held be-
9 fore the reprisal, together with the compensa-
10 tion (including back pay), employment benefits,
11 and other terms and conditions of employment
12 that would apply to the person in that position
13 if the reprisal had not been taken.

14 (C) Order the employer to pay the com-
15 plainant an amount equal to the aggregate
16 amount of all costs and expenses (including at-
17 torneys' fees and expert witnesses' fees) that
18 were reasonably incurred by the complainant
19 for, or in connection with, bringing the com-
20 plaint regarding the reprisal, as determined by
21 the head of the agency.

22 (2) If the head of an executive agency issues an
23 order denying relief under paragraph (1) or has not
24 issued an order within 210 days after the submission
25 of a complaint under subsection (b), or in the case

1 of an extension of time under paragraph (b)(2)(B),
2 not later than 30 days after the expiration of the ex-
3 tension of time, and there is no showing that such
4 delay is due to the bad faith of the complainant, the
5 complainant shall be deemed to have exhausted all
6 administrative remedies with respect to the com-
7 plaint, and the complainant may bring a de novo ac-
8 tion at law or equity against the employer to seek
9 compensatory damages and other relief available
10 under this section in the appropriate district court
11 of the United States, which shall have jurisdiction
12 over such an action without regard to the amount in
13 controversy. Such an action shall, at the request of
14 either party to the action, be tried by the court with
15 a jury.

16 (3) An inspector general determination and an
17 agency head order denying relief under paragraph
18 (2) shall be admissible in evidence in any de novo
19 action at law or equity brought pursuant to this sub-
20 section.

21 (4) Whenever a person fails to comply with an
22 order issued under paragraph (1), the head of the
23 agency shall file an action for enforcement of such
24 order in the United States district court for a dis-
25 trict in which the reprisal was found to have oc-

1 curred. In any action brought under this paragraph,
2 the court may grant appropriate relief, including in-
3 junctive relief and compensatory and exemplary
4 damages.

5 (5) Any person adversely affected or aggrieved
6 by an order issued under paragraph (1) may obtain
7 review of the order's conformance with this sub-
8 section, and any regulations issued to carry out this
9 section, in the United States court of appeals for a
10 circuit in which the reprisal is alleged in the order
11 to have occurred. No petition seeking such review
12 may be filed more than 60 days after issuance of the
13 order by the head of the agency. Review shall con-
14 form to chapter 7 of title 5.

15 (d) CONSTRUCTION.—Nothing in this section may be
16 construed to authorize the discharge of, demotion of, or
17 discrimination against an employee for a disclosure other
18 than a disclosure protected by subsection (a) or to modify
19 or derogate from a right or remedy otherwise available to
20 the employee.

21 (e) DEFINITIONS.—

22 (1) NON-FEDERAL EMPLOYER RECEIVING
23 FUNDS UNDER THIS ACT.—The term “non-Federal
24 employer receiving funds made available in this Act”
25 means—

1 (A) with respect to a Federal contract
2 awarded or Federal grant issued to carry out
3 this Act, the contractor or grantee, as the case
4 may be, if the contractor or grantee is an em-
5 ployer; or

6 (B) a State or local government, if the
7 State or local government has received funds
8 made available in this Act.

9 (2) EXECUTIVE AGENCY.—The term “executive
10 agency” has the meaning given that term in section
11 4 of the Office of Federal Procurement Policy Act
12 (41 U.S.C. 403).

13 (3) STATE OR LOCAL GOVERNMENT.—The term
14 “State or local government” means—

15 (A) the government of each of the several
16 States, the District of Columbia, the Common-
17 wealth of Puerto Rico, Guam, American Samoa,
18 the Virgin Islands, the Northern Mariana Is-
19 lands, or any other territory or possession of
20 the United States; or

21 (B) the government of any political sub-
22 division of a government listed in subparagraph
23 (A).

1 **TITLE II—AGRICULTURE, NUTRI-**
2 **TION, AND RURAL DEVELOP-**
3 **MENT**

4 DEPARTMENT OF AGRICULTURE
5 AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL
6 PAYMENTS

7 For an additional amount for “Agriculture Buildings
8 and Facilities and Rental Payments”, \$44,000,000, for
9 necessary construction, repair, and improvement activities:
10 *Provided*, That section 1106 of this Act shall not apply
11 to this appropriation.

12 AGRICULTURAL RESEARCH SERVICE
13 BUILDINGS AND FACILITIES

14 For an additional amount for “Buildings and Facili-
15 ties”, \$209,000,000, for work on deferred maintenance at
16 Agricultural Research Service facilities: *Provided*, That
17 priority in the use of such funds shall be given to critical
18 deferred maintenance, to projects that can be completed,
19 and to activities that can commence promptly following
20 enactment of this Act.

21 FARM SERVICE AGENCY
22 SALARIES AND EXPENSES

23 For an additional amount for “Salaries and Ex-
24 penses,” \$245,000,000, for the purpose of maintaining
25 and modernizing the information technology system: *Pro-*

1 *vided*, That section 1106 of this Act shall not apply to
2 this appropriation.

3 NATURAL RESOURCES CONSERVATION SERVICE

4 WATERSHED AND FLOOD PREVENTION OPERATIONS

5 For an additional amount for “Watershed and Flood
6 Prevention Operations”, \$350,000,000, of which
7 \$175,000,000 is for necessary expenses to purchase and
8 restore floodplain easements as authorized by section 403
9 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203)
10 (except that no more than \$50,000,000 of the amount pro-
11 vided for the purchase of floodplain easements may be ob-
12 ligated for projects in any one State): *Provided*, That sec-
13 tion 1106 of this Act shall not apply to this appropriation:
14 *Provided further*, That priority in the use of such funds
15 shall be given to projects that can be fully funded and
16 completed with the funds appropriated in this Act, and
17 to activities that can commence promptly following enact-
18 ment of this Act.

19 WATERSHED REHABILITATION PROGRAM

20 For an additional amount for “Watershed Rehabilita-
21 tion Program”, \$50,000,000, for necessary expenses to
22 carry out rehabilitation of structural measures: *Provided*,
23 That section 1106 of this Act shall not apply to this ap-
24 propriation: *Provided further*, That priority in the use of
25 such funds shall be given to projects that can be fully

1 funded and completed with the funds appropriated in this
2 Act, and to activities that can commence promptly fol-
3 lowing enactment of this Act.

4 RURAL DEVELOPMENT PROGRAMS

5 RURAL COMMUNITY ADVANCEMENT PROGRAM

6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount for gross obligations for
8 the principal amount of direct and guaranteed loans as
9 authorized by sections 306 and 310B and described in sec-
10 tions 381E(d)(1), 381E(d)(2), and 381E(d)(3) of the
11 Consolidated Farm and Rural Development Act, to be
12 available from the rural community advancement pro-
13 gram, as follows: \$5,838,000,000, of which
14 \$1,102,000,000 is for rural community facilities direct
15 loans, of which \$2,000,000,000 is for business and indus-
16 try guaranteed loans, and of which \$2,736,000,000 is for
17 rural water and waste disposal direct loans.

18 For an additional amount for the cost of direct loans,
19 loan guarantees, and grants, including the cost of modi-
20 fying loans, as defined in section 502 of the Congressional
21 Budget Act of 1974, as follows: \$1,800,000,000, of which
22 \$63,000,000 is for rural community facilities direct loans,
23 of which \$137,000,000 is for rural community facilities
24 grants authorized under section 306(a) of the Consoli-
25 dated Farm and Rural Development Act, of which

1 \$87,000,000 is for business and industry guaranteed
2 loans, of which \$13,000,000 is for rural business enter-
3 prise grants authorized under section 310B of the Consoli-
4 dated Farm and Rural Development Act, of which
5 \$400,000,000 is for rural water and waste disposal direct
6 loans, and of which \$1,100,000,000 is for rural water and
7 waste disposal grants authorized under section 306(a):
8 *Provided*, That the amounts appropriated under this head-
9 ing shall be transferred to, and merged with, the appro-
10 priation for “Rural Housing Service, Rural Community
11 Facilities Program Account”, the appropriation for
12 “Rural Business-Cooperative Service, Rural Business Pro-
13 gram Account”, and the appropriation for “Rural Utilities
14 Service, Rural Water and Waste Disposal Program Ac-
15 count”: *Provided further*, That priority for awarding such
16 funds shall be given to project applications that dem-
17 onstrate that, if the application is approved, all project
18 elements will be fully funded: *Provided further*, That pri-
19 ority for awarding such funds shall be given to project ap-
20 plications for activities that can be completed if the re-
21 quested funds are provided: *Provided further*, That priority
22 for awarding such funds shall be given to activities that
23 can commence promptly following enactment of this Act.

24 In addition to other available funds, the Secretary of
25 Agriculture may use not more than 3 percent of the funds

1 made available under this account for administrative costs
2 to carry out loans, loan guarantees, and grants funded
3 under this account, which shall be transferred and merged
4 with the appropriation for “Rural Development, Salaries
5 and Expenses” and shall remain available until September
6 30, 2012: *Provided*, That the authority provided in this
7 paragraph shall apply to appropriations under this head-
8 ing in lieu of the provisions of section 1106 of this Act.

9 Funds appropriated by this Act to the Rural Commu-
10 nity Advancement Program for rural community facilities,
11 rural business, and rural water and waste disposal direct
12 loans, loan guarantees and grants may be transferred
13 among these programs: *Provided*, That the Committees on
14 Appropriations of the House of Representatives and the
15 Senate shall be notified at least 15 days in advance of
16 any transfer.

17 RURAL HOUSING SERVICE

18 RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

19 (INCLUDING TRANSFERS OF FUNDS)

20 For an additional amount of gross obligations for the
21 principal amount of direct and guaranteed loans as au-
22 thorized by title V of the Housing Act of 1949, to be avail-
23 able from funds in the rural housing insurance fund, as
24 follows: \$22,129,000,000 for loans to section 502 bor-
25 rowers, of which \$4,018,000,000 shall be for direct loans,

1 and of which \$18,111,000,000 shall be for unsubsidized
2 guaranteed loans.

3 For an additional amount for the cost of direct and
4 guaranteed loans, including the cost of modifying loans,
5 as defined in section 502 of the Congressional Budget Act
6 of 1974, as follows: section 502 loans, \$500,000,000, of
7 which \$270,000,000 shall be for direct loans, and of which
8 \$230,000,000 shall be for unsubsidized guaranteed loans.

9 In addition to other available funds, the Secretary of
10 Agriculture may use not more than 3 percent of the funds
11 made available under this account for administrative costs
12 to carry out loans and loan guarantees funded under this
13 account, of which \$1,750,000 will be committed to agency
14 projects associated with maintaining the compliance, safe-
15 ty, and soundness of the portfolio of loans guaranteed
16 through the section 502 guaranteed loan program: *Pro-*
17 *vided*, These funds shall be transferred and merged with
18 the appropriation for “Rural Development, Salaries and
19 Expenses”: *Provided further*, That the authority provided
20 in this paragraph shall apply to appropriations under this
21 heading in lieu of the provisions of section 1106 of this
22 Act.

23 Funds appropriated by this Act to the Rural Housing
24 Insurance Fund Program account for section 502 direct
25 loans and unsubsidized guaranteed loans may be trans-

1 ferred between these programs: *Provided*, That the Com-
2 mittees on Appropriations of the House of Representatives
3 and the Senate shall be notified at least 15 days in ad-
4 vance of any transfer.

5 RURAL UTILITIES SERVICE
6 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
7 PROGRAM
8 (INCLUDING TRANSFERS OF FUNDS)

9 For an additional amount for the cost of broadband
10 loans and loan guarantees, as authorized by the Rural
11 Electrification Act of 1936 (7 U.S.C. 901 et seq.) and for
12 grants, \$2,825,000,000: *Provided*, That the cost of direct
13 and guaranteed loans shall be as defined in section 502
14 of the Congressional Budget Act of 1974: *Provided fur-*
15 *ther*, That, notwithstanding title VI of the Rural Elec-
16 trification Act of 1936, this amount is available for grants,
17 loans and loan guarantees for open access broadband in-
18 frastructure in any area of the United States: *Provided*
19 *further*, That at least 75 percent of the area to be served
20 by a project receiving funds from such grants, loans or
21 loan guarantees shall be in a rural area without sufficient
22 access to high speed broadband service to facilitate rural
23 economic development, as determined by the Secretary of
24 Agriculture: *Provided further*, That priority for awarding
25 funds made available under this paragraph shall be given

1 to projects that provide service to the most rural residents
2 that do not have access to broadband service: *Provided fur-*
3 *ther*, That priority shall be given for project applications
4 from borrowers or former borrowers under title II of the
5 Rural Electrification Act of 1936 and for project applica-
6 tions that include such borrowers or former borrowers:
7 *Provided further*, That notwithstanding section 1103 of
8 this Act, 50 percent of the grants, loans, and loan guaran-
9 tees made available under this heading shall be awarded
10 not later than September 30, 2009: *Provided further*, That
11 priority for awarding such funds shall be given to project
12 applications that demonstrate that, if the application is
13 approved, all project elements will be fully funded: *Pro-*
14 *vided further*, That priority for awarding such funds shall
15 be given to project applications for activities that can be
16 completed if the requested funds are provided: *Provided*
17 *further*, That priority for awarding such funds shall be
18 given to activities that can commence promptly following
19 enactment of this Act: *Provided further*, That no area of
20 a project funded with amounts made available under this
21 paragraph may receive funding to provide broadband serv-
22 ice under the Broadband Deployment Grant Program:
23 *Provided further*, That the Secretary shall submit a report
24 on planned spending and actual obligations describing the
25 use of these funds not later than 90 days after the date

1 of enactment of this Act, and quarterly thereafter until
2 all funds are obligated, to the Committees on Appropria-
3 tions of the House of Representatives and the Senate.

4 In addition to other available funds, the Secretary
5 may use not more than 3 percent of the funds made avail-
6 able under this account for administrative costs to carry
7 out loans, loan guarantees, and grants funded under this
8 account, which shall be transferred and merged with the
9 appropriation for “Rural Development, Salaries and Ex-
10 penses” and shall remain available until September 30,
11 2012: *Provided*, That the authority provided in this para-
12 graph shall apply to appropriations under this heading in
13 lieu of the provisions of section 1106 of this Act.

14 FOOD AND NUTRITION SERVICE

15 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

16 WOMEN, INFANTS, AND CHILDREN (WIC)

17 For an additional amount for the special supple-
18 mental nutrition program as authorized by section 17 of
19 the Child Nutrition Act of 1966 (42 U.S.C. 1786),
20 \$100,000,000, for the purposes specified in section
21 17(h)(10)(B)(ii) for the Secretary of Agriculture to pro-
22 vide assistance to State agencies to implement new man-
23 agement information systems or improve existing manage-
24 ment information systems for the program.

1 EMERGENCY FOOD ASSISTANCE PROGRAM

2 For an additional amount for the emergency food as-
3 sistance program as authorized by section 27(a) of the
4 Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) and
5 section 204(a)(1) of the Emergency Food Assistance Act
6 of 1983 (7 U.S.C. 7508(a)(1)), \$150,000,000, of which
7 \$100,000,000 is for the purchase of commodities and of
8 which \$50,000,000 is for costs associated with the dis-
9 tribution of commodities

10 GENERAL PROVISIONS, THIS TITLE

11 **SEC. 2001. TEMPORARY INCREASE IN BENEFITS UNDER**
12 **THE SUPPLEMENTAL NUTRITION ASSIST-**
13 **ANCE PROGRAM.**

14 (a) MAXIMUM BENEFIT INCREASE.—

15 (1) IN GENERAL.—Beginning the first month
16 that begins not less than 25 days after the date of
17 enactment of this Act, the value of benefits deter-
18 mined under section 8(a) of the Food and Nutrition
19 Act of 2008 and consolidated block grants for Puer-
20 to Rico and American Samoa determined under sec-
21 tion 19(a) of such Act shall be calculated using
22 113.6 percent of the June 2008 value of the thrifty
23 food plan as specified under section 3(o) of such
24 Act.

25 (2) TERMINATION.—

1 (A) The authority provided by this sub-
2 section shall terminate after September 30,
3 2009.

4 (B) Notwithstanding subparagraph (A),
5 the Secretary of Agriculture may not reduce the
6 value of the maximum allotment below the level
7 in effect for fiscal year 2009 as a result of
8 paragraph (1).

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

11 (1) consider the benefit increases described in
12 subsection (a) to be a “mass change”;

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

15 (3) consider section 16(c)(3)(A) of the Food
16 and Nutrition Act of 2008 (7 U.S.C. 2025(c)(3)(A))
17 to apply to any errors in the implementation of this
18 section, without regard to the 120-day limit de-
19 scribed in that section; and

20 (4) have the authority to take such measures as
21 necessary to ensure the efficient administration of
22 the benefits provided in this section.

23 (c) ADMINISTRATIVE EXPENSES.—

24 (1) IN GENERAL.—For the costs of State ad-
25 ministrative expenses associated with carrying out

1 this section, the Secretary shall make available
2 \$150,000,000 in each of fiscal years 2009 and 2010,
3 to remain available through September 30, 2012, of
4 which \$4,500,000 is for necessary expenses of the
5 Food and Nutrition Service for management and
6 oversight of the program and for monitoring the in-
7 tegrity and evaluating the effects of the payments
8 made under this section.

9 (2) AVAILABILITY OF FUNDS.—Funds described
10 in paragraph (1) shall be made available as grants
11 to State agencies based on each State's share of
12 households that participate in the Supplemental Nu-
13 trition Assistance Program as reported to the De-
14 partment of Agriculture for the 12-month period
15 ending with June, 2008.

16 (d) TREATMENT OF JOBLESS WORKERS.—Beginning
17 with the first month that begins not less than 25 days
18 after the date of enactment of this Act, and for each sub-
19 sequent month through September 30, 2010, jobless
20 adults who comply with work registration and employment
21 and training requirements under section 6, section 20, or
22 section 26 of the Food and Nutrition Act of 2008 (7
23 U.S.C. 2015, 2029, or 2035) shall not be disqualified from
24 the Supplemental Nutrition Assistance Program because
25 of the provisions of section 6(o)(2) of such Act (7 U.S.C.

1 2015(o)(2)). Beginning on October 1, 2010, for the pur-
 2 poses of section 6(o), a State agency shall disregard any
 3 period during which an individual received Supplemental
 4 Nutrition Assistance Program benefits prior to October 1,
 5 2010.

6 (e) FUNDING.—There is appropriated to the Sec-
 7 retary of Agriculture such sums as are necessary to carry
 8 out this section, to remain available until expended. Sec-
 9 tion 1106 of this Act shall not apply to this appropriation.

10 **SEC. 2002. AFTERSCHOOL FEEDING PROGRAM FOR AT-RISK**
 11 **CHILDREN.**

12 Section 17(r) of the Richard B. Russell National
 13 School Lunch Act (42 U.S.C. 1766 (r)) is amended by
 14 striking paragraph (5).

15 **TITLE III—COMMERCE, JUSTICE,**
 16 **AND SCIENCE**

17 **Subtitle A—Commerce**

18 DEPARTMENT OF COMMERCE

19 ECONOMIC DEVELOPMENT ADMINISTRATION

20 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Economic Develop-
 23 ment Assistance Programs”, \$250,000,000: *Provided,*
 24 That the amount set aside from this appropriation pursu-
 25 ant to section 1106 of this Act shall not exceed 2 percent

1 instead of the percentage specified in such section: *Pro-*
2 *vided further*, That the amount set aside pursuant to the
3 previous proviso shall be transferred to and merged with
4 the appropriation for “Salaries and Expenses” for pur-
5 poses of program administration and oversight: *Provided*
6 *further*, That up to \$50,000,000 may be transferred to
7 federally authorized regional economic development com-
8 missions.

9 BUREAU OF THE CENSUS

10 PERIODIC CENSUSES AND PROGRAMS

11 For an additional amount for “Periodic Censuses and
12 Programs”, \$1,000,000,000: *Provided*, That section 1106
13 of this Act shall not apply to funds provided under this
14 heading.

15 NATIONAL TELECOMMUNICATIONS AND INFORMATION

16 ADMINISTRATION

17 SALARIES AND EXPENSES

18 For an additional amount for “Salaries and Ex-
19 penses”, \$350,000,000, to remain available until Sep-
20 tember 30, 2011: *Provided*, That funds shall be available
21 to establish the State Broadband Data and Development
22 Grant Program, as authorized by Public Law 110–385,
23 for the development and implementation of statewide ini-
24 tiatives to identify and track the availability and adoption
25 of broadband services within each State, and to develop

1 and maintain a nationwide broadband inventory map, as
2 authorized by section 3101 of this Act.

3 WIRELESS AND BROADBAND DEPLOYMENT GRANT
4 PROGRAMS
5 (INCLUDING TRANSFER OF FUNDS)

6 For necessary expenses related to the Wireless and
7 Broadband Deployment Grant Programs established by
8 section 3102 of this Act, \$2,825,000,000, of which
9 \$1,000,000,000 shall be for Wireless Deployment Grants
10 and \$1,825,000,000 shall be for Broadband Deployment
11 Grants: *Provided*, That the National Telecommunications
12 and Information Administration shall submit a report on
13 planned spending and actual obligations describing the use
14 of these funds not later than 120 days after the date of
15 enactment of this Act, and an update report not later than
16 60 days following the initial report, to the Committees on
17 Appropriations of the House of Representatives and the
18 Senate, the Committee on Energy and Commerce of the
19 House of Representatives, and the Committee on Com-
20 merce, Science, and Transportation of the Senate: *Pro-*
21 *vided further*, That notwithstanding section 1103 of this
22 Act, 50 percent of the grants made available under this
23 heading shall be awarded not later than September 30,
24 2009: *Provided further*, That up to 20 percent of the funds
25 provided under this heading for Wireless Deployment

1 Grants and Broadband Deployment Grants may be trans-
2 ferred between these programs: *Provided further*, That the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate shall be notified at least 15 days
5 in advance of any transfer.

6 DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

7 Notwithstanding any other provision of law, and in
8 addition to amounts otherwise provided in any other Act,
9 for costs associated with the Digital-to-Analog Converter
10 Box Program, \$650,000,000, to be available until Sep-
11 tember 30, 2009: *Provided*, That these funds shall be
12 available for coupons and related activities, including but
13 not limited to education, consumer support and outreach,
14 as deemed appropriate and necessary to ensure a timely
15 conversion of analog to digital television.

16 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
17 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

18 For an additional amount for “Scientific and Tech-
19 nical Research and Services”, \$100,000,000.

20 INDUSTRIAL TECHNOLOGY SERVICES

21 For an additional amount for “Industrial Technology
22 Services”, \$100,000,000, of which \$70,000,000 shall be
23 available for the necessary expenses of the Technology In-
24 novation Program and \$30,000,000 shall be available for

1 the necessary expenses of the Hollings Manufacturing Ex-
2 tension Partnership.

3 CONSTRUCTION OF RESEARCH FACILITIES

4 For an additional amount for “Construction of Re-
5 search Facilities”, as authorized by sections 13 through
6 15 of the Act of March 13, 1901 (15 U.S.C. 278c-278e),
7 \$300,000,000, for a competitive construction grant pro-
8 gram for research science buildings: *Provided further*,
9 That for peer-reviewed grants made under this heading,
10 the time limitation provided in section 1103(b) of this Act
11 shall be 120 days.

12 NATIONAL OCEANIC AND ATMOSPHERIC
13 ADMINISTRATION
14 OPERATIONS, RESEARCH, AND FACILITIES

15 For an additional amount for “Operations, Research,
16 and Facilities”, \$400,000,000, for habitat restoration and
17 mitigation activities.

18 PROCUREMENT, ACQUISITION AND CONSTRUCTION

19 For an additional amount for “Procurement, Acquisi-
20 tion and Construction”, \$600,000,000, for accelerating
21 satellite development and acquisition, acquiring climate
22 sensors and climate modeling capacity, and establishing
23 climate data records: *Provided further*, That not less than
24 \$140,000,000 shall be available for climate data modeling.

1 GENERAL PROVISIONS, THIS SUBTITLE

2 **SEC. 3101. INVENTORY OF BROADBAND SERVICE CAPA-**
3 **BILITY AND AVAILABILITY.**

4 (a) ESTABLISHMENT.—To provide a comprehensive
5 nationwide inventory of existing broadband service capa-
6 bility and availability, the National Telecommunications
7 and Information Administration (“NTIA”) shall develop
8 and maintain a broadband inventory map of the United
9 States that identifies and depicts the geographic extent
10 to which broadband service capability is deployed and
11 available from a commercial provider or public provider
12 throughout each State.

13 (b) PUBLIC AVAILABILITY AND INTERACTIVITY.—
14 Not later than 2 years after the date of enactment of this
15 Act, the NTIA shall make the broadband inventory map
16 developed and maintained pursuant to this section acces-
17 sible by the public on a World Wide Web site of the NTIA
18 in a form that is interactive and searchable.

19 **SEC. 3102. WIRELESS AND BROADBAND DEPLOYMENT**
20 **GRANT PROGRAMS.**

21 (a) GRANTS AUTHORIZED.—

22 (1) IN GENERAL.—The National Telecommuni-
23 cations and Information Administration (“NTIA”)
24 is authorized to carry out a program to award
25 grants to eligible entities for the non-recurring costs

1 associated with the deployment of broadband infra-
2 structure in rural, suburban, and urban areas, in ac-
3 cordance with the requirements of this section.

4 (2) PROGRAM WEBSITE.—The NTIA shall de-
5 velop and maintain a website to make publicly avail-
6 able information about the program described in
7 paragraph (1), including—

8 (A) each prioritization report submitted by
9 a State under subsection (b);

10 (B) a list of eligible entities that have ap-
11 plied for a grant under this section, and the
12 area or areas the entity proposes to serve; and

13 (C) the status of each such application,
14 whether approved, denied, or pending.

15 (b) STATE PRIORITIES.—

16 (1) PRIORITIES REPORT SUBMISSION.—Not
17 later than 75 days after the date of enactment of
18 this section, each State intending to participate in
19 the program under this section shall submit to the
20 NTIA a report indicating the geographic areas of
21 the State which—

22 (A) for the purposes of determining the
23 need for Wireless Deployment Grants under
24 subsection (c), the State considers to have the
25 greatest priority for—

1 (i) wireless voice service in unserved
2 areas; and

3 (ii) advanced wireless broadband serv-
4 ice in underserved areas; and

5 (B) for the purposes of determining the
6 need for Broadband Deployment Grants under
7 subsection (d), the State considers to have the
8 greatest priority for—

9 (i) basic broadband service in
10 unserved areas; and

11 (ii) advanced broadband service in un-
12 derserved areas.

13 (2) LIMITATION.—The unserved and under-
14 served areas identified by a State in the report re-
15 quired by this subsection shall not represent, in the
16 aggregate, more than 20 percent of the population
17 or of the geographic area of such State.

18 (c) WIRELESS DEPLOYMENT GRANTS.—

19 (1) AUTHORIZED ACTIVITY.—The NTIA shall
20 award Wireless Deployment Grants in accordance
21 with this subsection from money appropriated for
22 Wireless Deployment Grants by this subtitle to eligi-
23 ble entities to deploy necessary infrastructure for the
24 provision of wireless voice service or advanced wire-

1 less broadband service to end users in designated
2 areas.

3 (2) GRANT DISTRIBUTION.—The NTIA shall
4 seek to distribute grants, to the extent possible, so
5 that 25 percent of the grants awarded under this
6 subsection shall be awarded to eligible entities for
7 providing wireless voice service to unserved areas
8 and 75 percent of grants awarded under this sub-
9 section shall be awarded to eligible entities for pro-
10 viding advanced wireless broadband service to under-
11 served areas.

12 (d) BROADBAND DEPLOYMENT GRANTS.—

13 (1) AUTHORIZED ACTIVITY.—The NTIA shall
14 award Broadband Deployment Grants in accordance
15 with this subsection from money appropriated for
16 Broadband Deployment Grants by this subtitle to el-
17 igible entities to deploy necessary infrastructure for
18 the provision of basic broadband service or advanced
19 broadband service to end users in designated areas.

20 (2) GRANT DISTRIBUTION.—The NTIA shall
21 seek to distribute grants, to the extent possible, so
22 that 25 percent of the grants awarded under this
23 subsection shall be awarded to eligible entities for
24 providing basic broadband service to unserved areas
25 and 75 percent of grants awarded under this sub-

1 section shall be awarded to eligible entities for pro-
2 viding advanced broadband service to underserved
3 areas.

4 (e) GRANT REQUIREMENTS.—The NTIA shall—

5 (1) adopt rules to protect against unjust enrich-
6 ment; and

7 (2) ensure that grant recipients—

8 (A) meet buildout requirements;

9 (B) maximize use of the supported infra-
10 structure by the public;

11 (C) operate basic and advanced broadband
12 service networks on an open access basis;

13 (D) operate advanced wireless broadband
14 service on a wireless open access basis; and

15 (E) adhere to the principles contained in
16 the Federal Communications Commission’s
17 broadband policy statement (FCC 05-151,
18 adopted August 5, 2005).

19 (f) APPLICATIONS.—

20 (1) SUBMISSION.—To be considered for a grant
21 awarded under subsection (e) or (d), an eligible enti-
22 ty shall submit to the NTIA an application at such
23 time, in such manner, and containing such informa-
24 tion as the NTIA may require. Such an application
25 shall include—

1 (A) a cost-study estimate for serving the
2 particular geographic area to be served by the
3 entity;

4 (B) an engineering plan;

5 (C) a proposed build-out schedule to resi-
6 dential households and small businesses in the
7 area;

8 (D) for applicants for Wireless Deployment
9 Grants under subsection (c), a build-out sched-
10 ule for geographic coverage of such areas; and

11 (E) any other requirements the NTLA
12 deems necessary.

13 (2) SELECTION.—

14 (A) NOTIFICATION.—The NTLA shall no-
15 tify each eligible entity that has submitted a
16 complete application whether the entity has
17 been approved or denied for a grant under this
18 section in timely fashion.

19 (B) GRANT DISTRIBUTION CONSIDER-
20 ATIONS.—In awarding grants under this sec-
21 tion, the NTLA shall, to the extent practical—

22 (i) award not less than one grant in
23 each State;

24 (ii) give substantial weight to whether
25 an application is from an eligible entity to

1 deploy infrastructure in an area that is an
2 area—

3 (I) identified by a State in a re-
4 port submitted under subsection (b);
5 or

6 (II) in which the NTIA deter-
7 mines there will be a significant
8 amount of public safety or emergency
9 response use of the infrastructure;
10 and

11 (iii) consider whether an application
12 from an eligible entity to deploy infrastruc-
13 ture in an area—

14 (I) will, if approved, increase the
15 affordability of, or subscribership to,
16 service to the greatest population of
17 underserved users in the area;

18 (II) will, if approved, enhance
19 service for health care delivery, edu-
20 cation, or children to the greatest pop-
21 ulation of underserved users in the
22 area;

23 (III) contains concrete plans for
24 enhancing computer ownership or
25 computer literacy in the area;

1 (IV) is from a recipient of more
2 than 20 percent matching grants from
3 State, local, or private entities for
4 service in the area and the extent of
5 such commitment; and

6 (V) will, if approved, result in
7 unjust enrichment because the eligible
8 entity has applied for, or intends to
9 apply for, support for the non-recur-
10 ring costs through another Federal
11 program for service in the area.

12 (g) CONSULTATION.—The NTIA shall consult with
13 the Federal Communications Commission and other ap-
14 propriate Federal agencies in implementing this section.

15 (h) DEFINITIONS.—For the purpose of this section—

16 (1) the term “advanced broadband service”
17 means a service delivering data to the end user
18 transmitted at a speed of at least 45 megabits per
19 second downstream and at least 15 megabits per
20 second upstream;

21 (2) the term “advanced wireless broadband
22 service” means a wireless service delivering to the
23 end user data transmitted at a speed of at least 3
24 megabits per second downstream and at least 1

1 megabit per second upstream over an end-to-end
2 internet protocol wireless network;

3 (3) the term “basic broadband service” means
4 a service delivering data to the end user transmitted
5 at a speed of at least 5 megabits per second down-
6 stream and at least 1 megabit per second upstream;

7 (4) the term “eligible entity” means—

8 (A) a provider of wireless voice service, ad-
9 vanced wireless broadband service, basic
10 broadband service, or advanced broadband serv-
11 ice;

12 (B) a State or unit of local government, or
13 agency or instrumentality thereof, that is or in-
14 tends to be a provider of any such service; and

15 (C) any other entity, including construc-
16 tion companies, tower-building companies, or
17 other service providers, that the NTIA author-
18 izes by rule to participate in the programs
19 under this section, if such other entity is re-
20 quired to provide access to the supported infra-
21 structure on a neutral, reasonable basis to
22 maximize use;

23 (5) the term “State” includes the District of
24 Columbia and the territories and possessions;

1 (6) the term “underserved area” shall be de-
2 fined by the Federal Communications Commission
3 not later than 45 days after the date of enactment
4 of this section;

5 (7) the term “unserved area” shall be defined
6 by the Federal Communications Commission not
7 later than 45 days after the date of enactment of
8 this section;

9 (8) the term “wireless voice service” means the
10 provision of two-way, real-time, voice communica-
11 tions using a mobile service;

12 (9) the term “open access” shall be defined by
13 the Federal Communications Commission not later
14 than 45 days after the date of enactment of this sec-
15 tion; and

16 (10) the term “wireless open access” shall be
17 defined by the Federal Communications Commission
18 not later than 45 days after the date of enactment
19 of this section.

Subtitle B—Justice

DEPARTMENT OF JUSTICE

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for “State and Local Law Enforcement Assistance”, \$3,000,000,000, to be available for the Edward Byrne Memorial Justice Assistance Grant Program as authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of such Act shall not apply for purposes of this Act): *Provided*, That section 1106 of this Act shall not apply to funds provided under this heading.

COMMUNITY ORIENTED POLICING SERVICES

For an additional amount for “Community Oriented Policing Services”, \$1,000,000,000, to be available for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: *Provided*, That for peer-reviewed grants made under this heading, the time limitation provided in section 1103(b) of this Act shall be 120 days.

Subtitle C—Science

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NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION
SCIENCE

For an additional amount for “Science”, \$400,000,000, of which not less than \$250,000,000 shall be solely for accelerating the development of the tier 1 set of Earth science climate research missions recommended by the National Academies Decadal Survey.

AERONAUTICS

For an additional amount for “Aeronautics”, \$150,000,000.

CROSS AGENCY SUPPORT PROGRAMS

For an additional amount for “Cross Agency Support Programs”, for necessary expenses for restoration and mitigation of National Aeronautics and Space Administration owned infrastructure and facilities related to the consequences of hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974, \$50,000,000.

1 NATIONAL SCIENCE FOUNDATION

2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for “Research and Related
4 Activities”, \$2,500,000,000: *Provided*, That \$300,000,000
5 shall be available solely for the Major Research Instru-
6 mentation program and \$200,000,000 shall be for activi-
7 ties authorized by title II of Public Law 100–570 for aca-
8 demic research facilities modernization: *Provided*, That for
9 peer-reviewed grants made under this heading, the time
10 limitation provided in section 1103(b) of this Act shall be
11 120 days.

12 EDUCATION AND HUMAN RESOURCES

13 For an additional amount for “Education and
14 Human Resources”, \$100,000,000: *Provided*, That
15 \$60,000,000 shall be for activities authorized by section
16 7030 of Public Law 110–69 and \$40,000,000 shall be for
17 activities authorized by section 9 of the National Science
18 Foundation Authorization Act of 2002 (42 U.S.C. 1862n).

19 MAJOR RESEARCH EQUIPMENT AND FACILITIES

20 CONSTRUCTION

21 For an additional amount for “Major Research
22 Equipment and Facilities Construction”, \$400,000,000,
23 which shall be available only for approved projects.

TITLE IV—DEFENSE

DEPARTMENT OF DEFENSE

FACILITY INFRASTRUCTURE INVESTMENTS, DEFENSE

For expenses, not otherwise provided for, to improve, repair and modernize Department of Defense facilities, restore and modernize Army barracks, and invest in the energy efficiency of Department of Defense facilities, \$4,500,000,000, for Facilities Sustainment, Restoration and Modernization programs of the Department of Defense (including minor construction and major maintenance and repair), which shall be available as follows:

(1) “Operation and Maintenance, Army”, \$1,490,804,000.

(2) “Operation and Maintenance, Navy”, \$624,380,000.

(3) “Operation and Maintenance, Marine Corps”, \$128,499,000.

(4) “Operation and Maintenance, Air Force”, \$1,236,810,000.

(5) “Defense Health Program”, \$454,658,000.

(6) “Operation and Maintenance, Army Reserve”, \$110,899,000.

(7) “Operation and Maintenance, Navy Reserve”, \$62,162,000.

1 (8) “Operation and Maintenance, Marine Corps
2 Reserve”, \$45,038,000.

3 (9) “Operation and Maintenance, Air Force Re-
4 serve”, \$14,881,000.

5 (10) “Operation and Maintenance, Army Na-
6 tional Guard”, \$302,700,000.

7 (11) “Operation and Maintenance, Air National
8 Guard”, \$29,169,000.

9 ENERGY RESEARCH AND DEVELOPMENT, DEFENSE

10 For expenses, not otherwise provided for, for re-
11 search, development, test and evaluation programs for im-
12 provements in energy generation, transmission, regulation,
13 use, and storage, for military installations, military vehi-
14 cles, and other military equipment, \$350,000,000, which
15 shall be available as follows:

16 (1) “Research, Development, Test and Evalua-
17 tion, Army”, \$87,500,000.

18 (2) “Research, Development, Test and Evalua-
19 tion, Navy”, \$87,500,000.

20 (3) “Research, Development, Test and Evalua-
21 tion, Air Force”, \$87,500,000.

22 (4) “Research, Development, Test and Evalua-
23 tion, Defense-Wide”, \$87,500,000

1 TITLE V—ENERGY AND WATER

2 DEPARTMENT OF THE ARMY

3 CORPS OF ENGINEERS—CIVIL

4 CONSTRUCTION

5 For an additional amount for “Construction”,
6 \$2,000,000,000: *Provided*, That section 102 of Public
7 Law 109–103 (33 U.S.C. 2221) shall not apply to funds
8 provided in this paragraph: *Provided further*, That not-
9 withstanding any other provision of law, funds provided
10 in this paragraph shall not be cost shared with the Inland
11 Waterways Trust Fund as authorized in Public Law 99–
12 662: *Provided further*, That funds provided in this para-
13 graph may only be used for programs, projects or activities
14 previously funded: *Provided further*, That the Corps of En-
15 gineers is directed to prioritize funding for activities based
16 on the ability to accelerate existing contracts or fully fund
17 project elements and contracts for such elements in a time
18 period of 2 years after the date of enactment of this Act
19 giving preference to projects and activities that are labor
20 intensive: *Provided further*, That funds provided in this
21 paragraph shall be used for elements of projects, programs
22 or activities that can be completed using funds provided
23 herein: *Provided further*, That funds appropriated in this
24 paragraph may be used by the Secretary of the Army, act-
25 ing through the Chief of Engineers, to undertake work au-

1 thORIZED to be carried out in accordance with one or more
2 of section 14 of the Flood Control Act of 1946 (33 U.S.C.
3 701r), section 205 of the Flood Control Act of 1948 (33
4 U.S.C. 701s), section 206 of the Water Resources Devel-
5 opment Act of 1996 (33 U.S.C. 2330), and section 1135
6 of the Water Resources Development Act of 1986 (33
7 U.S.C. 2309a), notwithstanding the program cost limita-
8 tions set forth in those sections: *Provided further*, That
9 the limitation concerning total project costs in section 902
10 of the Water Resources Development Act of 1986, as
11 amended (33 U.S.C. 2280), shall not apply during fiscal
12 year 2009 to any project that received funds provided in
13 this title: *Provided further*, That for projects that are
14 being completed with funds appropriated in this Act that
15 are otherwise expired or lapsed for obligation, expired or
16 lapsed funds appropriated in this Act may be used to pay
17 the cost of associated supervision, inspection, overhead,
18 engineering and design on those projects and on subse-
19 quent claims, if any: *Provided further*, That the Secretary
20 of the Army shall submit a quarterly report to the Com-
21 mittees on Appropriations of the House of Representatives
22 and the Senate detailing the allocation, obligation and ex-
23 penditures of these funds, beginning not later than 45
24 days after enactment of this Act.

1 MISSISSIPPI RIVER AND TRIBUTARIES

2 For an additional amount for “Mississippi River and
3 Tributaries”, \$250,000,000: *Provided*, That funds pro-
4 vided in this paragraph may only be used for programs,
5 projects, or activities previously funded: *Provided further*,
6 That the Corps of Engineers is directed to prioritize fund-
7 ing for activities based on the ability to accelerate existing
8 contracts or fully fund project elements and contracts for
9 such elements in a time period of 2 years after the date
10 of enactment of this Act giving preference to projects and
11 activities that are labor intensive: *Provided further*, That
12 funds provided in this paragraph shall be used for ele-
13 ments of projects, programs, or activities that can be com-
14 pleted using funds provided herein: *Provided further*, That
15 for projects that are being completed with funds appro-
16 priated in this Act that are otherwise expired or lapsed
17 for obligation, expired or lapsed funds appropriated in this
18 Act may be used to pay the cost of associated supervision,
19 inspection, overhead, engineering and design on those
20 projects and on subsequent claims, if any: *Provided fur-*
21 *ther*, That the Secretary of the Army shall submit a quar-
22 terly report to the Committees on Appropriations of the
23 House of Representatives and the Senate detailing the al-
24 location, obligation and expenditures of these funds, begin-
25 ning not later than 45 days after enactment of this Act.

1 OPERATION AND MAINTENANCE

2 For an additional amount for “Operation and Main-
3 tenance”, \$2,225,000,000: *Provided*, That the Corps of
4 Engineers is directed to prioritize funding for activities
5 based on the ability to accelerate existing contracts or fully
6 fund project elements and contracts for such elements in
7 a time period of 2 years after the date of enactment of
8 this Act giving preference to projects and activities that
9 are labor intensive: *Provided further*, That funds provided
10 in this paragraph shall be used for elements of projects,
11 programs, or activities that can be completed using funds
12 provided herein: *Provided further*, That for projects that
13 are being completed with funds appropriated in this Act
14 that are otherwise expired or lapsed for obligation, expired
15 or lapsed funds appropriated in this Act may be used to
16 pay the cost of associated supervision, inspection, over-
17 head, engineering and design on those projects and on
18 subsequent claims, if any: *Provided further*, That the Sec-
19 retary of the Army shall submit a quarterly report to the
20 Committees on Appropriations of the House of Represent-
21 atives and the Senate detailing the allocation, obligation
22 and expenditures of these funds, beginning not later than
23 45 days after enactment of this Act.

1 REGULATORY PROGRAM

2 For an additional amount for “Regulatory Program”,
3 \$25,000,000.

4 DEPARTMENT OF THE INTERIOR

5 BUREAU OF RECLAMATION

6 WATER AND RELATED RESOURCES

7 For an additional amount for “Water and Related
8 Resources”, \$500,000,000: *Provided*, That of the amount
9 appropriated under this heading, not less than
10 \$126,000,000 shall be used for water reclamation and
11 reuse projects authorized under title XVI of Public Law
12 102–575: *Provided further*, That of the amount appro-
13 priated under this heading, not less than \$80,000,000
14 shall be used for rural water projects and these funds shall
15 be expended primarily on water intake and treatment fa-
16 cilities of such projects: *Provided further*, That the costs
17 of reimbursable activities, other than for maintenance and
18 rehabilitation, carried out with funds made available under
19 this heading shall be repaid pursuant to existing authori-
20 ties and agreements: *Provided further*, That the costs of
21 maintenance and rehabilitation activities carried out with
22 funds provided in this Act shall be repaid pursuant to ex-
23 isting authority, except the length of repayment period
24 shall be determined on needs-based criteria to be estab-
25 lished and adopted by the Commissioner of the Bureau

1 of Reclamation, but in no case shall the repayment period
2 exceed 25 years.

3 DEPARTMENT OF ENERGY

4 ENERGY PROGRAMS

5 ENERGY EFFICIENCY AND RENEWABLE ENERGY

6 For an additional amount for “Energy Efficiency and
7 Renewable Energy”, \$18,500,000,000, which shall be used
8 as follows:

9 (1) \$2,000,000,000 shall be for expenses nec-
10 essary for energy efficiency and renewable energy re-
11 search, development, demonstration and deployment
12 activities, to accelerate the development of tech-
13 nologies, to include advanced batteries, of which not
14 less than \$800,000,000 is for biomass and
15 \$400,000,000 is for geothermal technologies.

16 (2) \$500,000,000 shall be for expenses nec-
17 essary to implement the programs authorized under
18 part E of title III of the Energy Policy and Con-
19 servation Act (42 U.S.C. 6341 et seq.).

20 (3) \$1,000,000,000 shall be for the cost of
21 grants to institutional entities for energy sustain-
22 ability and efficiency under section 399A of the En-
23 ergy Policy and Conservation Act (42 U.S.C. 6371h-
24 1).

1 (4) \$6,200,000,000 shall be for the Weatheriza-
2 tion Assistance Program under part A of title IV of
3 the Energy Conservation and Production Act (42
4 U.S.C. 6861 et seq.).

5 (5) \$3,500,000,000 shall be for Energy Effi-
6 ciency and Conservation Block Grants, for imple-
7 mentation of programs authorized under subtitle E
8 of title V of the Energy Independence and Security
9 Act of 2007 (42 U.S.C. 17151 et seq.).

10 (6) \$3,400,000,000 shall be for the State En-
11 ergy Program authorized under part D of title III
12 of the Energy Policy and Conservation Act (42
13 U.S.C. 6321).

14 (7) \$200,000,000 shall be for expenses nec-
15 essary to implement the programs authorized under
16 section 131 of the Energy Independence and Secu-
17 rity Act of 2007 (42 U.S.C. 17011).

18 (8) \$300,000,000 shall be for expenses nec-
19 essary to implement the program authorized under
20 section 124 of the Energy Policy Act of 2005 (42
21 U.S.C. 15821) and the Energy Star program.

22 (9) \$400,000,000 shall be for expenses nec-
23 essary to implement the program authorized under
24 section 721 of the Energy Policy Act of 2005 (42
25 U.S.C. 16071).

1 (10) \$1,000,000,000 shall be for expenses nec-
2 essary for the manufacturing of advanced batteries
3 authorized under section 136(b)(1)(B) of the Energy
4 Independence and Security Act of 2007 (42 U.S.C.
5 17013(b)(1)(B)):

6 *Provided*, That notwithstanding section 3304 of title 5,
7 United States Code, and without regard to the provisions
8 of sections 3309 through 3318 of such title 5, the Sec-
9 retary of Energy may, upon a determination that there
10 is a severe shortage of candidates or a critical hiring need
11 for particular positions, recruit and directly appoint highly
12 qualified individuals into the competitive service: *Provided*
13 *further*, That such authority shall not apply to positions
14 in the Excepted Service or the Senior Executive Service:
15 *Provided further*, That any action authorized herein shall
16 be consistent with the merit principles of section 2301 of
17 such title 5, and the Department shall comply with the
18 public notice requirements of section 3327 of such title
19 5.

20 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

21 For an additional amount for “Electricity Delivery
22 and Energy Reliability,” \$4,500,000,000: *Provided*, That
23 funds shall be available for expenses necessary for elec-
24 tricity delivery and energy reliability activities to mod-
25 ernize the electric grid, enhance security and reliability of

1 the energy infrastructure, energy storage research, devel-
2 opment, demonstration and deployment, and facilitate re-
3 covery from disruptions to the energy supply, and for im-
4 plementation of programs authorized under title XIII of
5 the Energy Independence and Security Act of 2007 (42
6 U.S.C. 17381 et seq.): *Provided further*, That of such
7 amounts, \$100,000,000 shall be for worker training: *Pro-*
8 *vided further*, That the Secretary of Energy may use or
9 transfer amounts provided under this heading to carry out
10 new authority for transmission improvements, if such au-
11 thority is enacted in any subsequent Act, consistent with
12 existing fiscal management practices and procedures.

13 ADVANCED BATTERY LOAN GUARANTEE PROGRAM

14 For the cost of guaranteed loans as authorized by
15 section 135 of the Energy Independence and Security Act
16 of 2007 (42 U.S.C. 17012), \$1,000,000,000, to remain
17 available until expended: *Provided*, That of such amount,
18 \$10,000,000 shall be used for administrative expenses in
19 carrying out the guaranteed loan program, and shall be
20 in lieu of the amount set aside under section 1106 of this
21 Act: *Provided further*, That the cost of such loans, includ-
22 ing the cost of modifying such loans, shall be as defined
23 in section 502 of the Congressional Budget Act of 1974.

1 INSTITUTIONAL LOAN GUARANTEE PROGRAM

2 For the cost of guaranteed loans as authorized by
3 section 399A of the Energy Policy and Conservation Act
4 (42 U.S.C. 6371h-1), \$500,000,000: *Provided*, That of
5 such amount, \$10,000,000 shall be used for administra-
6 tive expenses in carrying out the guaranteed loan pro-
7 gram, and shall be in lieu of the amount set aside under
8 section 1106 of this Act: *Provided further*, That the cost
9 of such loans, including the cost of modifying such loans,
10 shall be as defined in section 502 of the Congressional
11 Budget Act of 1974.

12 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

13 For an additional amount for “Innovative Technology
14 Loan Guarantee Program” for the cost of guaranteed
15 loans authorized by section 1705 of the Energy Policy Act
16 of 2005, \$8,000,000,000: *Provided*, That of such amount,
17 \$25,000,000 shall be used for administrative expenses in
18 carrying out the guaranteed loan program, and shall be
19 in lieu of the amount set aside under section 1106 of this
20 Act: *Provided further*, That the cost of such loans, includ-
21 ing the cost of modifying such loans, shall be as defined
22 in section 502 of the Congressional Budget Act of 1974.

23 FOSSIL ENERGY

24 For an additional amount for “Fossil Energy”,
25 \$2,400,000,000 for necessary expenses to demonstrate

1 carbon capture and sequestration technologies as author-
 2 ized under section 702 of the Energy Independence and
 3 Security Act of 2007.

4 SCIENCE

5 For an additional amount for “Science”,
 6 \$2,000,000,000: *Provided*, That of such amounts, not less
 7 than \$400,000,000 shall be used for the Advanced Re-
 8 search Projects Agency—Energy authorized under section
 9 5012 of the America COMPETES Act (42 U.S.C. 16538):
 10 *Provided further*, That of such amounts, not less than
 11 \$100,000,000 shall be used for advanced scientific com-
 12 puting.

13 ENVIRONMENTAL AND OTHER DEFENSE

14 ACTIVITIES

15 DEFENSE ENVIRONMENTAL CLEANUP

16 For an additional amount for “Defense Environ-
 17 mental Cleanup,” \$500,000,000: *Provided*, That such
 18 amounts shall be used for elements of projects, programs,
 19 or activities that can be completed using funds provided
 20 herein.

21 GENERAL PROVISIONS, THIS TITLE

22 **SEC. 5001. TECHNICAL CORRECTIONS TO THE ENERGY** 23 **INDEPENDENCE AND SECURITY ACT OF 2007.**

24 (a) Section 543(a) of the Energy Independence and
 25 Security Act of 2007 (42 U.S.C. 17153(a)) is amended—

1 (1) by redesignating paragraphs (2) through
2 (4) as paragraphs (3) through (5), respectively; and
3 (2) by striking paragraph (1) and inserting the
4 following:

5 “(1) 34 percent to eligible units of local govern-
6 ment–alternative 1, in accordance with subsection
7 (b);

8 “(2) 34 percent to eligible units of local govern-
9 ment–alternative 2, in accordance with subsection
10 (b);”.

11 (b) Section 548(a)(1) of the Energy Independence
12 and Security Act of 2007 (42 U.S.C. 17158(a)(1)) is
13 amending by striking “; provided” and all that follows
14 through “541(3)(B)”.

15 **SEC. 5002. TECHNICAL CORRECTIONS TO THE ENERGY**
16 **INDEPENDENCE AND SECURITY ACT OF 2007.**

17 Title XIII of the Energy Independence and Security
18 Act of 2007 (42 U.S.C. 17381 and following) is amended
19 as follows:

20 (1) By amending subparagraph (A) of section
21 1304(b)(3) to read as follows:

22 “(A) IN GENERAL.—In carrying out the
23 initiative, the Secretary shall provide financial
24 support to smart grid demonstration projects
25 including those in rural areas and areas where

1 the majority of generation and transmission as-
2 sets are controlled by a tax-exempt entity.”.

3 (2) By amending subparagraph (C) of section
4 1304(b)(3) to read as follows:

5 “(C) FEDERAL SHARE OF COST OF TECH-
6 NOLOGY INVESTMENTS.—The Secretary shall
7 provide to an electric utility described in sub-
8 paragraph (B) or to other parties financial as-
9 sistance for use in paying an amount equal to
10 not more than 50 percent of the cost of quali-
11 fying advanced grid technology investments
12 made by the electric utility or other party to
13 carry out a demonstration project.”.

14 (3) By inserting a new subparagraph (E) after
15 section 1304(b)(3)(D) as follows:

16 “(E) AVAILABILITY OF DATA.—The Sec-
17 retary shall establish and maintain a smart grid
18 information clearinghouse in a timely manner
19 which will make data from smart grid dem-
20 onstration projects and other sources available
21 to the public. As a condition of receiving finan-
22 cial assistance under this subsection, a utility or
23 other participant in a smart grid demonstration
24 project shall provide such information as the
25 Secretary may require to become available

1 through the smart grid information clearing-
2 house in the form and within the timeframes as
3 directed by the Secretary. The Secretary shall
4 assure that business proprietary information
5 and individual customer information is not in-
6 cluded in the information made available
7 through the clearinghouse.”.

8 (4) By amending paragraph (2) of section
9 1304(c) to read as follows:

10 “(2) to carry out subsection (b), such sums as
11 may be necessary.”.

12 (5) By amending subsection (a) of section 1306
13 by striking “reimbursement of one-fifth (20 per-
14 cent)” and inserting “grants of up to one-half (50
15 percent)”.

16 (6) By striking the last sentence of subsection
17 (b)(9) of section 1306.

18 (7) By striking “are eligible for” in subsection
19 (c)(1) of section 1306 and inserting “utilize”.

20 (8) By amending subsection (e) of section 1306
21 to read as follows:

22 “(e) PROCEDURES AND RULES.—The Secretary
23 shall—

24 “(1) establish within 60 days after the enact-
25 ment of the American Recovery and Reinvestment

1 Act of 2009 procedures by which applicants can ob-
2 tain grants of not more than one-half of their docu-
3 mented costs;

4 “(2) establish procedures to ensure that there is
5 no duplication or multiple payment for the same in-
6 vestment or costs, that the grant goes to the party
7 making the actual expenditures for qualifying smart
8 grid investments, and that the grants made have sig-
9 nificant effect in encouraging and facilitating the de-
10 velopment of a smart grid;

11 “(3) maintain public records of grants made,
12 recipients, and qualifying smart grid investments
13 which have received grants;

14 “(4) establish procedures to provide advance
15 payment of moneys up to the full amount of the
16 grant award; and

17 “(5) have and exercise the discretion to deny
18 grants for investments that do not qualify in the
19 reasonable judgment of the Secretary.”.

20 **SEC. 5003. RENEWABLE ENERGY AND ELECTRIC POWER**
21 **TRANSMISSION LOAN GUARANTEE PRO-**
22 **GRAMS.**

23 (a) AMENDMENT.—Title XVII of the Energy Policy
24 Act of 2005 (42 U.S.C. 16511 et seq.) is amended by add-
25 ing the following at the end:

1 **“SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOY-**
2 **MENT OF RENEWABLE ENERGY AND ELEC-**
3 **TRIC POWER TRANSMISSION PROJECTS.**

4 “(a) IN GENERAL.—Notwithstanding section 1703,
5 the Secretary may make guarantees under this section
6 only for commercial technology projects under subsection
7 (b) that will commence construction not later than Sep-
8 tember 30, 2011.

9 “(b) CATEGORIES.—Projects from only the following
10 categories shall be eligible for support under this section:

11 “(1) Renewable energy systems.

12 “(2) Electric power transmission systems.

13 “(c) WAGE RATE REQUIREMENTS.—The Secretary
14 shall require that each recipient of support under this sec-
15 tion provide reasonable assurance that all laborers and
16 mechanics employed in the performance of the project for
17 which the assistance is provided, including those employed
18 by contractors or subcontractors, will be paid wages at
19 rates not less than those prevailing on similar work in the
20 locality as determined by the Secretary of Labor in accord-
21 ance with subchapter IV of chapter 31 of part A of subtitle
22 II of title 40, United States Code (commonly referred to
23 as the ‘Davis-Bacon Act’).

24 “(d) SUNSET.—The authority to enter into guaran-
25 tees under this section shall expire on September 30,
26 2011.”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
 2 of contents for the Energy Policy Act of 2005 is amended
 3 by inserting after the item relating to section 1704 the
 4 following new item:

“Sec. 1705. Temporary program for rapid deployment of renewable energy and
 electric power transmission projects.”.

5 **SEC. 5004. WESTERN AREA POWER ADMINISTRATION BOR-**
 6 **ROWING AUTHORITY.**

7 The Hoover Power Plant Act of 1984 (Public Law
 8 98-381) is amended by adding at the end the following:

9 **“TITLE III—BORROWING**
 10 **AUTHORITY**

11 **“SEC. 301. WESTERN AREA POWER ADMINISTRATION BOR-**
 12 **ROWING AUTHORITY.**

13 “(a) DEFINITIONS.—In this section—

14 “(1) ADMINISTRATOR.—The term ‘Adminis-
 15 trator’ means the Administrator of the Western
 16 Area Power Administration.

17 “(2) SECRETARY.—The term ‘Secretary’ means
 18 the Secretary of the Treasury.

19 “(b) AUTHORITY.—

20 “(1) IN GENERAL.—Notwithstanding any other
 21 provision of law, subject to paragraphs (2) through
 22 (5)—

23 “(A) the Western Area Power Administra-
 24 tion may borrow funds from the Treasury; and

1 “(B) the Secretary shall, without further
2 appropriation and without fiscal year limitation,
3 loan to the Western Area Power Administra-
4 tion, on such terms as may be fixed by the Ad-
5 ministrator and the Secretary, such sums (not
6 to exceed, in the aggregate (including deferred
7 interest), \$3,250,000,000 in outstanding repay-
8 able balances at any 1 time) as, in the judg-
9 ment of the Administrator, are from time to
10 time required for the purpose of—

11 “(i) constructing, financing, facili-
12 tating, or studying construction of new or
13 upgraded electric power transmission lines
14 and related facilities with at least 1 ter-
15 minus within the area served by the West-
16 ern Area Power Administration; and

17 “(ii) delivering or facilitating the de-
18 livery of power generated by renewable en-
19 ergy resources constructed or reasonably
20 expected to be constructed after the date
21 of enactment of this section.

22 “(2) INTEREST.—The rate of interest to be
23 charged in connection with any loan made pursuant
24 to this subsection shall be fixed by the Secretary,
25 taking into consideration market yields on out-

1 standing marketable obligations of the United States
2 of comparable maturities as of the date of the loan.

3 “(3) REFINANCING.—The Western Area Power
4 Administration may refinance loans taken pursuant
5 to this section within the Treasury.

6 “(4) PARTICIPATION.—The Administrator may
7 permit other entities to participate in projects fi-
8 nanced under this section.

9 “(5) CONGRESSIONAL REVIEW OF DISBURSE-
10 MENT.—Effective upon the date of enactment of this
11 section, the Administrator shall have the authority
12 to have utilized \$1,750,000,000 at any one time. If
13 the Administrator seeks to borrow funds above
14 \$1,750,000,000, the funds will be disbursed unless
15 there is enacted, within 90 calendar days of the first
16 such request, a joint resolution that rescinds the re-
17 mainder of the balance of the borrowing authority
18 provided in this section.

19 “(c) TRANSMISSION LINE AND RELATED FACILITY
20 PROJECTS.—

21 “(1) IN GENERAL.—For repayment purposes,
22 each transmission line and related facility project in
23 which the Western Area Power Administration par-
24 ticipates pursuant to this section shall be treated as
25 separate and distinct from—

1 “(A) each other such project; and

2 “(B) all other Western Area Power Admin-
3 istration power and transmission facilities.

4 “(2) PROCEEDS.—The Western Area Power
5 Administration shall apply the proceeds from the use
6 of the transmission capacity from an individual
7 project under this section to the repayment of the
8 principal and interest of the loan from the Treasury
9 attributable to that project, after reserving such
10 funds as the Western Area Power Administration
11 determines are necessary—

12 “(A) to pay for any ancillary services that
13 are provided; and

14 “(B) to meet the costs of operating and
15 maintaining the new project from which the
16 revenues are derived.

17 “(3) SOURCE OF REVENUE.—Revenue from the
18 use of projects under this section shall be the only
19 source of revenue for—

20 “(A) repayment of the associated loan for
21 the project; and

22 “(B) payment of expenses for ancillary
23 services and operation and maintenance.

24 “(4) LIMITATION ON AUTHORITY.—Nothing in
25 this section confers on the Administrator any obliga-

1 tion to provide ancillary services to users of trans-
2 mission facilities developed under this section.

3 “(d) CERTIFICATION.—

4 “(1) IN GENERAL.—For each project in which
5 the Western Area Power Administration participates
6 pursuant to this section, the Administrator shall cer-
7 tify, prior to committing funds for any such project,
8 that—

9 “(A) the project is in the public interest;

10 “(B) the project will not adversely impact
11 system reliability or operations, or other statu-
12 tory obligations; and

13 “(C) it is reasonable to expect that the
14 proceeds from the project shall be adequate to
15 make repayment of the loan.

16 “(2) FORGIVENESS OF BALANCES.—

17 “(A) IN GENERAL.—If, at the end of the
18 useful life of a project, there is a remaining bal-
19 ance owed to the Treasury under this section,
20 the balance shall be forgiven.

21 “(B) UNCONSTRUCTED PROJECTS.—Funds
22 expended to study projects that are considered
23 pursuant to this section but that are not con-
24 structed shall be forgiven.

1 “(C) NOTIFICATION.—The Administrator
2 shall notify the Secretary of such amounts as
3 are to be forgiven under this paragraph.

4 “(e) PUBLIC PROCESSES.—

5 “(1) POLICIES AND PRACTICES.—Prior to re-
6 questing any loans under this section, the Adminis-
7 trator shall use a public process to develop practices
8 and policies that implement the authority granted by
9 this section.

10 “(2) REQUESTS FOR INTERESTS.—In the
11 course of selecting potential projects to be funded
12 under this section, the Administrator shall seek re-
13 quests for interest from entities interested in identi-
14 fying potential projects through one or more notices
15 published in the Federal Register.”.

16 **SEC. 5005. WEATHERIZATION PROGRAM AMENDMENTS.**

17 (a) INCOME LEVEL.—Section 412(7) of the Energy
18 Conservation and Production Act (42 U.S.C. 6862(7)) is
19 amended by striking “150 percent” both places it appears
20 and inserting “200 percent”.

21 (b) ASSISTANCE LEVEL PER DWELLING UNIT.—
22 Section 415(c)(1) of the Energy Conservation and Produc-
23 tion Act (42 U.S.C. 6865(c)(1)) is amended by striking
24 “\$2,500” and inserting “\$5,000”.

1 **SEC. 5006. BONNEVILLE POWER ADMINISTRATION.**

2 For the purposes of providing funds to assist in fi-
3 nancing the construction, acquisition, and replacement of
4 the transmission system of the Bonneville Power Adminis-
5 tration and to implement the authority of the Adminis-
6 trator under the Pacific Northwest Electric Power Plan-
7 ning and Conservation Act (16 U.S.C. 839 et seq.), an
8 additional \$3,250,000,000 in borrowing authority is made
9 available under the Federal Columbia River Transmission
10 System Act (16 U.S.C. 838 et seq.), to remain outstanding
11 at any time.

12 **SEC. 5007. RENEWABLE ELECTRICITY TRANSMISSION**
13 **STUDY.**

14 In completing the 2009 National Electric Trans-
15 mission Congestion Study, the Secretary of Energy shall
16 include—

17 (1) an analysis of the significant potential
18 sources of renewable energy that are constrained in
19 accessing appropriate market areas by lack of ade-
20 quate transmission capacity;

21 (2) an analysis of the reasons for failure to de-
22 velop the adequate transmission capacity; and

23 (3) recommendations for achieving adequate
24 transmission capacity.

1 **SEC. 5008. APPROPRIATIONS TRANSFER AUTHORITY.**

2 Not to exceed 20 percent of the amounts made avail-
3 able in this Act to the Department of Energy for “Energy
4 Efficiency and Renewable Energy”, “Electricity Delivery
5 and Energy Reliability”, and “Advanced Battery Loan
6 Guarantee Program” may be transferred within and be-
7 tween such accounts, except that no amount specified
8 under any such heading may be increased or decreased
9 by more than a total of 20 percent by such transfers, and
10 notification of such transfers shall be submitted promptly
11 to the Committees on Appropriations of the House of Rep-
12 resentatives and the Senate.

13 **TITLE VI—FINANCIAL SERVICES**
14 **AND GENERAL GOVERNMENT**
15 **Subtitle A—General Services**

16 GENERAL SERVICES ADMINISTRATION

17 FEDERAL BUILDINGS FUND

18 LIMITATIONS ON AVAILABILITY OF REVENUE

19 (INCLUDING TRANSFER OF FUNDS)

20 For an additional amount to be deposited in the Fed-
21 eral Buildings Fund, \$7,700,000,000 for real property ac-
22 tivities with priority given to activities that can commence
23 promptly following enactment of this Act; of which up to
24 \$1,000,000,000 shall be used for construction, repair, and
25 alteration of border facilities and land ports of entry; of
26 which not less than \$6,000,000,000 shall be used for con-

1 struction, repair, and alteration of Federal buildings for
2 projects that will create the greatest impact on energy effi-
3 ciency and conservation; of which \$108,000,000 shall re-
4 main available until September 30, 2012, and shall be
5 used for rental of space costs associated with the construc-
6 tion, repair, and alteration of these projects; *Provided*,
7 That of the amounts provided, \$160,000,000 shall remain
8 available until September 30, 2012, and shall be for build-
9 ing operations in support of the activities described in this
10 paragraph: *Provided further*, That the preceding proviso
11 shall apply to this appropriation in lieu of the provisions
12 of section 1106 of this Act: *Provided further*, That the Ad-
13 ministrator of General Services is authorized to initiate
14 design, construction, repair, alteration, leasing, and other
15 projects through existing authorities of the Administrator:
16 *Provided further*, That the Administrator shall submit a
17 detailed plan, by project, regarding the use of funds to
18 the Committees on Appropriations of the House of Rep-
19 resentatives and the Senate within 30 days after enact-
20 ment of this Act, and shall provide notification to the
21 Committees within 15 days prior to any changes regarding
22 the use of these funds: *Provided further*, That the Admin-
23 istrator shall report to the Committees on the obligation
24 of these funds on a quarterly basis beginning on June 30,
25 2009: *Provided further*, That of the amounts provided,

1 \$4,000,000 shall be transferred to and merged with “Gov-
2 ernment-Wide Policy”, for the Office of Federal High-Per-
3 formance Green Buildings as authorized in the Energy
4 Independence and Security Act of 2007 (Public Law 110-
5 140).

6 ENERGY EFFICIENT FEDERAL MOTOR VEHICLE FLEET
7 PROCUREMENT

8 For capital expenditures and necessary expenses of
9 the General Services Administration’s Motor Vehicle Ac-
10 quisition and Motor Vehicle Leasing programs for the ac-
11 quisition of motor vehicles, including plug-in and alter-
12 native fuel vehicles, \$600,000,000: *Provided*, That the
13 amount set aside from this appropriation pursuant to sec-
14 tion 1106 of this Act shall be 1 percent instead of the
15 percentage specified in such section: *Provided further*,
16 That none of these funds may be obligated until the Ad-
17 ministrator of General Services submits to the Committees
18 on Appropriations of the House of Representatives and the
19 Senate, within 90 days after enactment of this Act, a plan
20 for expenditure of the funds that details the current inven-
21 tory of the Federal fleet owned by the General Services
22 Administration, as well as other Federal agencies, and the
23 strategy to expend these funds to replace a portion of the
24 Federal fleet with the goal of substantially increasing en-
25 ergy efficiency over the current status, including increas-

1 ing fuel efficiency and reducing emissions: *Provided fur-*
 2 *ther*, That the Administrator shall report to the Commit-
 3 tees on the obligation of these funds on a quarterly basis
 4 beginning on June 30, 2009.

5 **Subtitle B—Small Business**

6 SMALL BUSINESS ADMINISTRATION

7 BUSINESS LOANS PROGRAM ACCOUNT

8 (INCLUDING TRANSFERS OF FUNDS)

9 For the cost of direct loans and loan guarantees au-
 10 thorized by sections 6202 through 6205 of this Act,
 11 \$426,000,000: *Provided*, That such cost, including the
 12 cost of modifying such loans, shall be as defined in section
 13 502 of the Congressional Budget Act of 1974. In addition,
 14 for administrative expenses to carry out the direct loan
 15 and loan guarantee programs authorized by this Act,
 16 \$4,000,000, which may be transferred to and merged with
 17 the appropriations for Salaries and Expenses: *Provided*,
 18 That this sentence shall apply to this appropriation in lieu
 19 of the provisions of section 1106 of this Act.

20 GENERAL PROVISIONS, THIS SUBTITLE

21 **SEC. 6201. ECONOMIC STIMULUS LENDING PROGRAM FOR**

22 **SMALL BUSINESSES.**

23 (a) PURPOSE.—The purpose of this section is to per-
 24 mit the Small Business Administration to guarantee up

1 to 95 percent of qualifying small business loans made by
2 eligible lenders.

3 (b) DEFINITIONS.—For purposes of this section:

4 (1) The term “Administrator” means the Ad-
5 ministrator of the Small Business Administration.

6 (2) The term “qualifying small business loan”
7 means any loan to a small business concern that
8 would be eligible for a loan guarantee under section
9 7(a) of the Small Business Act (15 U.S.C. 636) or
10 title V of the Small Business Investment Act of
11 1958 (15 U.S.C. 695 and following).

12 (3) The term “small business concern” has the
13 same meaning as provided by section 3 of the Small
14 Business Act (15 U.S.C. 632).

15 (c) APPLICATION.—In order to participate in the loan
16 guarantee program under this section a lender shall sub-
17 mit an application to the Administrator for the guarantee
18 of up to 95 percent of the principal amount of a qualifying
19 small business loan. The Administrator shall approve or
20 deny each such application within 5 business days after
21 receipt thereof. The Administrator may not delegate to
22 lenders the authority to approve or disapprove such appli-
23 cations.

24 (d) FEES.—The Administrator may charge fees for
25 guarantees issued under this section. Such fees shall not

1 exceed the fees permitted for loan guarantees under sec-
2 tion 7(a) of the Small Business Act (15 U.S.C. 631 and
3 following).

4 (e) INTEREST RATES.—The Administrator may not
5 guarantee under this section any loan that bears interest
6 at a rate higher than 3 percent above the higher of either
7 of the following as quoted in the Wall Street Journal on
8 the first business day of the week in which such guarantee
9 is issued:

10 (1) The London interbank offered rate
11 (LIBOR) for a 3-month period.

12 (2) The Prime Rate.

13 (f) QUALIFIED BORROWERS.—

14 (1) ALIENS UNLAWFULLY PRESENT IN THE
15 UNITED STATES.—A loan guarantee may not be
16 made under this section for a loan made to a con-
17 cern if an individual who is an alien unlawfully
18 present in the United States—

19 (A) has an ownership interest in that con-
20 cern; or

21 (B) has an ownership interest in another
22 concern that itself has an ownership interest in
23 that concern.

24 (2) FIRMS IN VIOLATION OF IMMIGRATION
25 LAWS.—No loan guarantee may be made under this

1 section for a loan to any entity found, based on a
2 determination by the Secretary of Homeland Secu-
3 rity or the Attorney General to have engaged in a
4 pattern or practice of hiring, recruiting or referring
5 for a fee, for employment in the United States an
6 alien knowing the person is an unauthorized alien.

7 (g) CRIMINAL BACKGROUND CHECKS.—Prior to the
8 approval of any loan guarantee under this section, the Ad-
9 ministrator may verify the applicant’s criminal back-
10 ground, or lack thereof, through the best available means,
11 including, if possible, use of the National Crime Informa-
12 tion Center computer system at the Federal Bureau of In-
13 vestigation.

14 (h) APPLICATION OF OTHER LAW.—Nothing in this
15 section shall be construed to exempt any activity of the
16 Administrator under this section from the Federal Credit
17 Reform Act of 1990 (title V of the Congressional Budget
18 and Impoundment Control Act of 1974; 2 U.S.C. 661 and
19 following).

20 (i) SUNSET.—Loan guarantees may not be issued
21 under this section after the date 90 days after the date
22 of establishment (as determined by the Administrator) of
23 the economic recovery program under section 6204.

24 (j) SMALL BUSINESS ACT PROVISIONS.—The provi-
25 sions of the Small Business Act applicable to loan guaran-

1 tees under section 7 of that Act shall apply to loan guaran-
2 tees under this section except as otherwise provided in this
3 section.

4 (k) AUTHORIZATION.—There are authorized to be ap-
5 propriated such sums as may be necessary to carry out
6 this section.

7 **SEC. 6202. ESTABLISHMENT OF SBA SECONDARY MARKET**
8 **LENDING AUTHORITY.**

9 (a) PURPOSE.—The purpose of this section is to pro-
10 vide the Small Business Administration with the authority
11 to establish a Secondary Market Lending Authority within
12 the SBA to make loans to the systemically important SBA
13 secondary market broker-dealers who operate the SBA
14 secondary market.

15 (b) DEFINITIONS.—For purposes of this section:

16 (1) The term “Administrator” means the Ad-
17 ministrator of the SBA.

18 (2) The term “SBA” means the Small Business
19 Administration.

20 (3) The terms “Secondary Market Lending Au-
21 thority” and “Authority” mean the office established
22 under subsection (c).

23 (4) The term “SBA secondary market” means
24 the market for the purchase and sale of loans origi-

1 nated, underwritten, and closed under the Small
2 Business Act.

3 (5) The term “Systemically Important Sec-
4 ondary Market Broker-Dealers” mean those entities
5 designated under subsection (c)(1) as vital to the
6 continued operation of the SBA secondary market
7 by reason of their purchase and sale of the govern-
8 ment guaranteed portion of loans, or pools of loans,
9 originated, underwritten, and closed under the Small
10 Business Act.

11 (c) RESPONSIBILITIES, AUTHORITIES, ORGANIZA-
12 TION, AND LIMITATIONS.—

13 (1) DESIGNATION OF SYSTEMICALLY IMPOR-
14 TANT SBA SECONDARY MARKET BROKER-DEAL-
15 ERS.—The Administrator shall establish a process to
16 designate, in consultation with the Board of Gov-
17 ernors of the Federal Reserve and the Secretary of
18 the Treasury, Systemically Important Secondary
19 Market Broker-Dealers.

20 (2) ESTABLISHMENT OF SBA SECONDARY MAR-
21 KET LENDING AUTHORITY.—

22 (A) ORGANIZATION.—

23 (i) The Administrator shall establish
24 within the SBA an office to provide loans
25 to Systemically Important Secondary Mar-

1 ket Broker-dealers to be used for the pur-
2 pose of financing the inventory of the gov-
3 ernment guaranteed portion of loans, origi-
4 nated, underwritten, and closed under the
5 Small Business Act or pools of such loans.

6 (ii) The Administrator shall appoint a
7 Director of the Authority who shall report
8 to the Administrator.

9 (iii) The Administrator is authorized
10 to hire such personnel as are necessary to
11 operate the Authority.

12 (iv) The Administrator may contract
13 such Authority operations as he determines
14 necessary to qualified third-party compa-
15 nies or individuals.

16 (v) The Administrator is authorized to
17 contract with private sector fiduciary and
18 custodial agents as necessary to operate
19 the Authority.

20 (B) LOANS.—

21 (i) The Administrator shall establish
22 by rule a process under which Systemically
23 Important SBA Secondary Market Broker-
24 Dealers designated under paragraph (1)

1 may apply to the Administrator for loans
2 under this section.

3 (ii) The rule under clause (i) shall
4 provide a process for the Administrator to
5 consider and make decisions regarding
6 whether or not to extend a loan applied for
7 under this section. Such rule shall include
8 provisions to assure each of the following:

9 (I) That loans made under this
10 section are for the sole purpose of fi-
11 nancing the inventory of the govern-
12 ment guaranteed portion of loans,
13 originated, underwritten, and closed
14 under the Small Business Act or pools
15 of such loans.

16 (II) That loans made under this
17 section are fully collateralized to the
18 satisfaction of the Administrator.

19 (III) That there is no limit to the
20 frequency in which a borrower may
21 borrow under this section unless the
22 Administrator determines that doing
23 so would create an undue risk of loss
24 to the agency or the United States.

1 (IV) That there is no limit on the
2 size of a loan, subject to the discretion
3 of the Administrator.

4 (iii) Interest on loans under this sec-
5 tion shall not exceed the Federal Funds
6 target rate as established by the Federal
7 Reserve Board of Governors plus 25 basis
8 points.

9 (iv) The rule under this section shall
10 provide for such loan documents, legal cov-
11 enants, collateral requirements and other
12 required documentation as necessary to
13 protect the interests of the agency, the
14 United States, and the taxpayer.

15 (v) The Administrator shall establish
16 custodial accounts to safeguard any collat-
17 eral pledged to the SBA in connection with
18 a loan under this section.

19 (vi) The Administrator shall establish
20 a process to disburse and receive funds to
21 and from borrowers under this section.

22 (C) LIMITATIONS ON USE OF LOAN PRO-
23 CEEDS BY SYSTEMICALLY IMPORTANT SEC-
24 ONDARY MARKET BROKER-DEALERS.—The Ad-
25 ministrator shall ensure that borrowers under

1 this section are using funds provided under this
2 section only for the purpose specified in sub-
3 paragraph (B)(ii)(I). If the Administrator finds
4 that such funds were used for any other pur-
5 pose, the Administrator shall—

6 (i) require immediate repayment of
7 outstanding loans;

8 (ii) prohibit the borrower, its affili-
9 ates, or any future corporate manifestation
10 of the borrower from using the Authority;
11 and

12 (iii) take any other actions the Ad-
13 ministrator, in consultation with the Attor-
14 ney General of the United States, deems
15 appropriate.

16 (d) REPORT TO CONGRESS.—The Administrator shall
17 submit a report to Congress not later than the third busi-
18 ness day of each month containing a statement of each
19 of the following:

20 (1) The aggregate loan amounts extended dur-
21 ing the preceding month under this section.

22 (2) The aggregate loan amounts repaid under
23 this section during the proceeding month.

24 (3) The aggregate loan amount outstanding
25 under this section.

1 (4) The aggregate value of assets held as collat-
2 eral under this section;

3 (5) The amount of any defaults or delinquencies
4 on loans made under this section.

5 (6) The identity of any borrower found by the
6 Administrator to misuse funds made available under
7 this section.

8 (7) Any other information the Administrator
9 deems necessary to fully inform Congress of undue
10 risk of financial loss to the United States in connec-
11 tion with loans made under this section.

12 (e) DURATION.—The authority of this section shall
13 remain in effect for a period of 2 years after the date of
14 enactment of this section.

15 (f) FUNDING.—Such sums as necessary are author-
16 ized to be appropriated to carry out the provisions of this
17 section.

18 (g) BUDGET TREATMENT.—Nothing in this section
19 shall be construed to exempt any activity of the Adminis-
20 trator under this section from the Federal Credit Reform
21 Act of 1990 (title V of the Congressional Budget and Im-
22 poundment Control Act of 1974; 2 U.S.C. 661 and fol-
23 lowing).

24 (h) EMERGENCY RULEMAKING AUTHORITY.—The
25 Administrator shall promulgate regulations under this sec-

1 tion within 15 days after the date of enactment of enact-
2 ment of this section. In promulgating these regulations,
3 the Administrator the notice requirements of section
4 553(b) of title 5 of the United States Code shall not apply.

5 **SEC. 6203. ESTABLISHMENT OF SBA SECONDARY MARKET**
6 **GUARANTEE AUTHORITY.**

7 (a) PURPOSE.—The purpose of this section is to pro-
8 vide the Administrator with the authority to establish the
9 SBA Secondary Market Guarantee Authority within the
10 SBA to provide a Federal guarantee for pools of first lien
11 504 loans that are to be sold to third-party investors.

12 (b) DEFINITIONS.—For purposes of this section:

13 (1) The term “Administrator” means the Ad-
14 ministrator of the Small Business Administration.

15 (2) The term “first lien position 504 loan”
16 means the first mortgage position, non-federally
17 guaranteed loans made by private sector lenders
18 made under title V of the Small Business Invest-
19 ment Act.

20 (c) ESTABLISHMENT OF AUTHORITY.—

21 (1) ORGANIZATION.—

22 (A) The Administrator shall establish a
23 Secondary Market Guarantee Authority within
24 the Small Business Administration.

1 (B) The Administrator shall appoint a Di-
2 rector of the Authority who shall report to the
3 Administrator.

4 (C) The Administrator is authorized to
5 hire such personnel as are necessary to operate
6 the Authority and may contract such operations
7 of the Authority as necessary to qualified third-
8 party companies or individuals.

9 (D) The Administrator is authorized to
10 contract with private sector fiduciary and custo-
11 dial agents as necessary to operate the Author-
12 ity.

13 (2) GUARANTEE PROCESS.—

14 (A) The Administrator shall establish, by
15 rule, a process in which private sector entities
16 may apply to the Administration for a Federal
17 guarantee on pools of first lien position 504
18 loans that are to be sold to third-party inves-
19 tors.

20 (B) The Administrator shall appoint a Di-
21 rector of the Authority who shall report to the
22 Administrator.

23 (C) The Administrator is authorized to
24 hire such personnel as are necessary to operate
25 the Authority and may contract such operations

1 of the Authority as necessary to qualified third-
2 party companies or individuals.

3 (D) The Administrator is authorized to
4 contract with private sector fiduciary and custo-
5 dial agents as necessary to operate the Author-
6 ity.

7 (3) RESPONSIBILITIES.—

8 (A) The Administrator shall establish, by
9 rule, a process in which private sector entities
10 may apply to the SBA for a Federal guarantee
11 on pools of first lien position 504 loans that are
12 to be sold to third-party investors.

13 (B) The rule under this section shall pro-
14 vide for a process for the Administrator to con-
15 sider and make decisions regarding whether to
16 extend a Federal guarantee referred to in
17 clause (i). Such rule shall also provide that:

18 (i) The seller of the pools purchasing
19 a guarantee under this section retains not
20 less than 5 percent of the dollar amount of
21 the pools to be sold to third-party inves-
22 tors.

23 (ii) The seller of such pools shall ab-
24 sorb any and all losses resulting from a
25 shortage or excess of monthly cash flows.

1 (iii) The Administrator shall receive a
2 monthly fee of not more than 50 basis
3 points on the outstanding balance of the
4 dollar amount of the pools that are guar-
5 anteed.

6 (iv) The Administrator may guarantee
7 not more than \$3,000,000,000 of pools
8 under this authority.

9 (C) The Administrator shall establish doc-
10 uments, legal covenants, and other required
11 documentation to protect the interests of the
12 United States.

13 (D) The Administrator shall establish a
14 process to receive and disburse funds to entities
15 under the authority established in this section.

16 (d) LIMITATIONS.—

17 (1) The Administrator shall ensure that entities
18 purchasing a guarantee under this section are using
19 such guarantee for the purpose of selling 504 first
20 lien position pools to third-party investors.

21 (2) If the Administrator finds that any such
22 guarantee was used for a purpose other than that
23 specified in paragraph (1), the Administrator shall—

24 (A) terminate such guarantee immediately,

1 (B) prohibit the purchaser of the guar-
2 antee or its affiliates (within the meaning of the
3 regulations under 13 CFR 121.103) from using
4 the authority of this section in the future; and

5 (C) take any other actions the Adminis-
6 trator, in consultation with the Attorney Gen-
7 eral of the United States deems appropriate.

8 (e) OVERSIGHT.—The Administrator shall submit a
9 report to Congress not later than the third business day
10 of each month setting forth each of the following:

11 (1) The aggregate amount of guarantees ex-
12 tended under this section during the proceeding
13 month.

14 (2) The aggregate amount of guarantees out-
15 standing.

16 (3) Defaults and payments on defaults made
17 under this section.

18 (4) The identity of each purchaser of a guar-
19 antee found by the Administrator to have misused
20 guarantees under this section.

21 (5) Any other information the Administrator
22 deems necessary to fully inform Congress of undue
23 risk to the United States associated with the
24 issuance of guarantees under this section.

1 (f) DURATION OF PROGRAM.—The authority of this
2 section shall terminate on the date 2 years after the date
3 of enactment of this section.

4 (g) FUNDING.—Such sums as necessary are author-
5 ized to be appropriated to carry out the provisions of this
6 section.

7 (h) BUDGET TREATMENT.—Nothing in this section
8 shall be construed to exempt any activity of the Adminis-
9 trator under this section from the Federal Credit Reform
10 Act of 1990 (title V of the Congressional Budget and Im-
11 poundment Control Act of 1974; 2 U.S.C. 661 and fol-
12 lowing).

13 (i) EMERGENCY RULEMAKING AUTHORITY.—The
14 Administrator shall issue regulations under this section
15 within 15 days after the date of enactment of this section.
16 The notice requirements of section 553(b) of Title 5,
17 United States Code shall not apply to the promulgation
18 of such regulations.

19 **SEC. 6204. ECONOMIC RECOVERY PROGRAM.**

20 (a) PURPOSE.—The purpose of this section is to es-
21 tablish a new lending and refinancing authority within the
22 Small Business Administration.

23 (b) DEFINITIONS.—For purposes of this section:

24 (1) The term “Administrator” means the Ad-
25 ministrator of the Small Business Administration.

1 (2) The term “small business concern” has the
2 same meaning as provided by section 3 of the Small
3 Business Act (15 U.S.C. 632).

4 (c) REFINANCING AUTHORITY.—

5 (1) IN GENERAL.—Upon application from a
6 lender (and with consent of the borrower), the Ad-
7 ministrator may refinance existing non-Small Busi-
8 ness Administration or Small Business Administra-
9 tion loans (including loans under sections 7(a) and
10 504 of the Small Business Act) made to small busi-
11 ness concerns.

12 (2) ELIGIBLE LOANS.—In order to be eligible
13 for refinancing under this section—

14 (A) the amount of the loan refinanced may
15 not exceed \$10,000,000 and a first lien must be
16 conveyed to the Administrator;

17 (B) the lender shall offer to accept from
18 the Administrator as full repayment of the loan
19 an amount equal to less than 100 percent but
20 more than 85 percent of the remaining balance
21 of the principal of the loan; and

22 (C) the loan to be refinanced was made be-
23 fore the date of enactment of this Act and for
24 a purpose that would have been eligible for a

1 loan under any Small Business Administration
2 lending program.

3 (3) TERMS.—The term of the refinancing by
4 the Administrator under this section shall not be
5 less than remaining term on the loan that is refi-
6 nanced but shall not exceed a term of 20 years. The
7 rate of interest on the loan refinanced under this
8 section shall be fixed by the Administrator at a level
9 that the Administrator determines will result in
10 manageable monthly payments for the borrower.

11 (4) LIMIT.—The Administrator may not refi-
12 nance amounts under this section that are greater
13 than the amount the lender agrees to accept from
14 the Administrator as full repayment of the loan as
15 provided in paragraph (2)(B).

16 (d) UNDERWRITING AND OTHER LOAN SERVICES.—

17 (1) IN GENERAL.—The Administrator is au-
18 thorized to engage in underwriting, loan closing,
19 funding, and servicing of loans made to small busi-
20 ness concerns and to guarantee loans made by other
21 entities to small business concerns.

22 (2) APPLICATION PROCESS.—The Adminis-
23 trator shall by rule establish a process in which
24 small business concerns may submit applications to
25 the Administrator for the purposes of securing a

1 loan under this subsection. The Administrator shall,
2 at a minimum, collect all information necessary to
3 determine the creditworthiness and repayment abil-
4 ity of the borrower.

5 (3) PARTICIPATION OF LENDERS.—

6 (A) The Administrator shall by rule estab-
7 lish a process in which the Administrator makes
8 available loan applications and all accom-
9 panying information to lenders for the purpose
10 of such lenders originating, underwriting, clos-
11 ing, and servicing such loans.

12 (B) Lenders are eligible to receive loan ap-
13 plications and accompanying information under
14 this paragraph if they participate in the pro-
15 grams established in section 7(a) of the Small
16 Business Act (15 U.S.C. 636) or title V of the
17 Small Business Investment Act (15 U.S.C.
18 695).

19 (C) The Administrator shall first make
20 available such loan applications and accom-
21 panying information to lenders within 100 miles
22 of a loan applicant's principal office.

23 (D) If a lender described in subparagraph
24 (C) does not agree to originate, underwrite,
25 close, and service such loans within 5 business

1 days of receiving the loan applications, the Ad-
2 ministrator shall subsequently make available
3 such loan applications and accompanying infor-
4 mation to lenders in the Preferred Lenders Pro-
5 gram under section 7(a)(2)(C)(ii) of the Small
6 Business Act (15 U.S.C. 636).

7 (E) If a lender described in subparagraph
8 (C) or (D) does not agree to originate, under-
9 write, close, and service such loans within 10
10 business days of receiving the loan applications,
11 the Administrator may originate, underwrite,
12 close, and service such loans as described in
13 paragraph (1) of this subsection.

14 (4) ASSET SALES.—The Administrator shall
15 offer to sell loans made or refinanced by the Admin-
16 istrator under this section. Such sales shall be made
17 through semi-annual public solicitation (in the Fed-
18 eral Register and in other media) of offers to pur-
19 chase. The Administrator may contract with vendors
20 for due diligence, asset valuation, and other services
21 related to such sales. The Administrator may not
22 sell any loan under this section for less than 90 per-
23 cent of the net present value of the loan, as deter-
24 mined and certified by a qualified third-party.

1 (5) LOANS NOT SOLD.—The Administrator
2 shall maintain and service loans made by the Admin-
3 istrator under this section that are not sold through
4 the asset sales under this section.

5 (e) DURATION.— The authority of this section shall
6 terminate on the date two years after the date on which
7 the program under this section becomes operational (as
8 determined by the Administrator).

9 (f) APPLICATION OF OTHER LAW.—Nothing in this
10 section shall be construed to exempt any activity of the
11 Administrator under this section from the Federal Credit
12 Reform Act of 1990 (title V of the Congressional Budget
13 and Impoundment Control Act of 1974; 2 U.S.C. 661 and
14 following).

15 (g) QUALIFIED LOANS.—

16 (1) ALIENS UNLAWFULLY PRESENT IN THE
17 UNITED STATES.—A loan to any concern shall not
18 be subject to this section if an individual who is an
19 alien unlawfully present in the United States—

20 (A) has an ownership interest in that con-
21 cern; or

22 (B) has an ownership interest in another
23 concern that itself has an ownership interest in
24 that concern.

1 (2) FIRMS IN VIOLATION OF IMMIGRATION
2 LAWS.—No loan shall be subject to this section if
3 the borrower is an entity found, based on a deter-
4 mination by the Secretary of Homeland Security or
5 the Attorney General to have engaged in a pattern
6 or practice of hiring, recruiting or referring for a
7 fee, for employment in the United States an alien
8 knowing the person is an unauthorized alien.

9 (h) REPORTS.—The Administrator shall submit a re-
10 port to Congress semi-annually setting forth the aggregate
11 amount of loans and geographic dispersion of such loans
12 made, underwritten, closed, funded, serviced, sold, guaran-
13 teed, or held by the Administrator under the authority of
14 this section. Such report shall also set forth information
15 concerning loan defaults, prepayments, and recoveries re-
16 lated to loans made under the authority of this section.

17 (i) AUTHORIZATION.—There are authorized to be ap-
18 propriated such sums as may be necessary to carry out
19 this section.

20 **SEC. 6205. STIMULUS FOR COMMUNITY DEVELOPMENT**
21 **LENDING.**

22 (a) REFINANCING UNDER THE LOCAL DEVELOP-
23 MENT BUSINESS LOAN PROGRAM.—Section 502 of the
24 Small Business Investment Act of 1958 (15 U.S.C. 696)
25 is amended by adding at the end the following:

1 “(7) PERMISSIBLE DEBT REFINANCING.—

2 “(A) IN GENERAL.—Any financing ap-
3 proved under this title may include a limited
4 amount of debt refinancing.

5 “(B) EXPANSIONS.—If the project involves
6 expansion of a small business concern which
7 has existing indebtedness collateralized by fixed
8 assets, any amount of existing indebtedness
9 that does not exceed $\frac{1}{2}$ of the project cost of
10 the expansion may be refinanced and added to
11 the expansion cost, if—

12 “(i) the proceeds of the indebtedness
13 were used to acquire land, including a
14 building situated thereon, to construct a
15 building thereon, or to purchase equip-
16 ment;

17 “(ii) the borrower has been current on
18 all payments due on the existing debt for
19 not less than 1 year preceding the date of
20 refinancing; and

21 “(iii) the financing under section 504
22 will provide better terms or rate of interest
23 than exists on the debt at the time of refi-
24 nancing.”.

1 (b) JOB CREATION GOALS.—Section 501(e)(1) and
2 section 501(e)(2) of the Small Business Investment Act
3 (15 U.S.C. 695) are each amended by striking “\$50,000”
4 and inserting “\$65,000”.

5 **SEC. 6206. INCREASING SMALL BUSINESS INVESTMENT.**

6 (a) SIMPLIFIED MAXIMUM LEVERAGE LIMITS.—Sec-
7 tion 303(b) of the Small Business Investment Act of 1958
8 (15 U.S.C. 683(b)) is amended—

9 (1) by striking so much of paragraph (2) as
10 precedes subparagraphs (C) and (D) and inserting
11 the following:

12 “(2) MAXIMUM LEVERAGE.—

13 “(A) IN GENERAL.—The maximum
14 amount of outstanding leverage made available
15 to any one company licensed under section
16 301(c) of this Act may not exceed the lesser
17 of—

18 “(i) 300 percent of such company’s
19 private capital; or

20 “(ii) \$150,000,000.

21 “(B) MULTIPLE LICENSES UNDER COM-
22 MON CONTROL.—The maximum amount of out-
23 standing leverage made available to two or more
24 companies licensed under section 301(c) of this
25 Act that are commonly controlled (as deter-

1 mined by the Administrator) and not under
2 capital impairment may not exceed
3 \$225,000,000.”; and

4 (2) by striking paragraph (4).

5 (b) SIMPLIFIED AGGREGATE INVESTMENT LIMITA-
6 TIONS.—Section 306(a) of the Small Business Investment
7 Act of 1958 (15 U.S.C. 686(a)) is amended to read as
8 follows:

9 “(a) PERCENTAGE LIMITATION ON PRIVATE CAP-
10 ITAL.—If any small business investment company has ob-
11 tained financing from the Administrator and such financ-
12 ing remains outstanding, the aggregate amount of securi-
13 ties acquired and for which commitments may be issued
14 by such company under the provisions of this title for any
15 single enterprise shall not, without the approval of the Ad-
16 ministrator, exceed 10 percent of the sum of—

17 “(1) the private capital of such company; and

18 “(2) the total amount of leverage projected by
19 the company in the company’s business plan that
20 was approved by the Administrator at the time of
21 the grant of the company’s license.”.

22 **SEC. 6207. GAO REPORT.**

23 (a) REPORT.—Not later than 30 days after the enact-
24 ment of this Act, the Comptroller General of the United
25 States shall report to the Congress on the actions of the

1 Administrator in implementing the authority established
2 in sections 6201 through 6206 of this Act.

3 (b) INCLUDED ITEM.—The report under this section
4 shall include a summary of the activity of the Adminis-
5 trator under this section and an analysis of whether he
6 is accomplishing the purpose of increasing liquidity in the
7 secondary market for Small Business Administration
8 loans.

9 **TITLE VII—HOMELAND** 10 **SECURITY**

11 DEPARTMENT OF HOMELAND SECURITY

12 U.S. CUSTOMS AND BORDER PROTECTION

13 SALARIES AND EXPENSES

14 For an additional amount for “Salaries and Ex-
15 penses”, \$100,000,000, for non-intrusive detection tech-
16 nology to be deployed at sea ports of entry.

17 CONSTRUCTION

18 For an additional amount for “Construction”,
19 \$150,000,000, to repair and construct inspection facilities
20 at land border ports of entry.

21 TRANSPORTATION SECURITY ADMINISTRATION

22 AVIATION SECURITY

23 For an additional amount for “Aviation Security”,
24 \$500,000,000, for the purchase and installation of explo-
25 sive detection systems and emerging checkpoint tech-

1 nologies: *Provided*, That the Assistant Secretary of Home-
2 land Security (Transportation Security Administration)
3 shall prioritize the award of these funds to accelerate the
4 installations at locations with completed design plans and
5 to expeditiously award new letters of intent.

6 COAST GUARD

7 ALTERATION OF BRIDGES

8 For an additional amount for “Alteration of
9 Bridges”, \$150,000,000, for alteration or removal of ob-
10 structive bridges, as authorized by section 6 of the Tru-
11 man-Hobbs Act (33 U.S.C. 516): *Provided*, That the
12 Coast Guard shall award these funds to those bridges that
13 are ready to proceed to construction.

14 FEDERAL EMERGENCY MANAGEMENT AGENCY

15 EMERGENCY FOOD AND SHELTER

16 For an additional amount for “Emergency Food and
17 Shelter”, \$200,000,000, to carry out the emergency food
18 and shelter program pursuant to title III of the McKin-
19 ney-Vento Homeless Assistance Act (42 U.S.C. 11331 et
20 seq.): *Provided*, That for the purposes of this appropria-
21 tion, the redistribution required by section 1104(b) shall
22 be carried out by the Federal Emergency Management
23 Agency and the National Board, who may reallocate and
24 obligate any funds that are unclaimed or returned to the
25 program: *Provided further*, That the amount set aside

1 from this appropriation pursuant to section 1106 of this
2 Act shall be 3.5 percent instead of the percentage specified
3 in such section.

4 **GENERAL PROVISIONS, THIS TITLE**

5 **SEC. 7001. EXTENSION OF PROGRAMS.**

6 Section 401(b) of the Illegal Immigration Reform and
7 Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a
8 note) is amended by striking “11-year period” and insert-
9 ing “16-year period”.

10 **SEC. 7002. PROTECTION OF SOCIAL SECURITY ADMINIS-**
11 **TRATION PROGRAMS.**

12 (a) **FUNDING UNDER AGREEMENT.**—Effective for
13 fiscal years beginning on or after October 1, 2008, the
14 Commissioner of Social Security and the Secretary of
15 Homeland Security shall enter into and maintain an
16 agreement which shall—

17 (1) provide funds to the Commissioner for the
18 full costs of the responsibilities of the Commissioner
19 under section 404 of the Illegal Immigration Reform
20 and Immigrant Responsibility Act of 1996 (8 U.S.C.
21 1324a note), including (but not limited to)—

22 (A) acquiring, installing, and maintaining
23 technological equipment and systems necessary
24 for the fulfillment of the responsibilities of the
25 Commissioner under such section 404, but only

1 that portion of such costs that are attributable
2 exclusively to such responsibilities; and

3 (B) responding to individuals who contest
4 a tentative nonconfirmation provided by the
5 basic pilot confirmation system established
6 under such section;

7 (2) provide such funds quarterly in advance of
8 the applicable quarter based on estimating method-
9 ology agreed to by the Commissioner and the Sec-
10 retary (except in such instances where the delayed
11 enactment of an annual appropriation may preclude
12 such quarterly payments); and

13 (3) require an annual accounting and reconcili-
14 ation of the actual costs incurred and the funds pro-
15 vided under the agreement, which shall be reviewed
16 by the Office of Inspector General of the Social Se-
17 curity Administration and the Department of Home-
18 land Security.

19 (b) CONTINUATION OF EMPLOYMENT VERIFICATION
20 IN ABSENCE OF TIMELY AGREEMENT.—In any case in
21 which the agreement required under subsection (a) for any
22 fiscal year beginning on or after October 1, 2008, has not
23 been reached as of October 1 of such fiscal year, the latest
24 agreement between the Commissioner and the Secretary
25 of Homeland Security providing for funding to cover the

1 costs of the responsibilities of the Commissioner under
2 section 404 of the Illegal Immigration Reform and Immig-
3 rant Responsibility Act of 1996 (8 U.S.C. 1324a note)
4 shall be deemed in effect on an interim basis for such fis-
5 cal year until such time as an agreement required under
6 subsection (a) is subsequently reached, except that the
7 terms of such interim agreement shall be modified by the
8 Director of the Office of Management and Budget to ad-
9 just for inflation and any increase or decrease in the vol-
10 ume of requests under the basic pilot confirmation system.
11 In any case in which an interim agreement applies for any
12 fiscal year under this subsection, the Commissioner and
13 the Secretary shall, not later than October 1 of such fiscal
14 year, notify the Committee on Ways and Means, the Com-
15 mittee on the Judiciary, and the Committee on Appropria-
16 tions of the House of Representatives and the Committee
17 on Finance, the Committee on the Judiciary, and the
18 Committee on Appropriations of the Senate of the failure
19 to reach the agreement required under subsection (a) for
20 such fiscal year. Until such time as the agreement re-
21 quired under subsection (a) has been reached for such fis-
22 cal year, the Commissioner and the Secretary shall, not
23 later than the end of each 90-day period after October
24 1 of such fiscal year, notify such Committees of the status

1 of negotiations between the Commissioner and the Sec-
2 retary in order to reach such an agreement.

3 **SEC. 7003. GAO STUDY OF BASIC PILOT CONFIRMATION**
4 **SYSTEM.**

5 (a) IN GENERAL.—As soon as practicable after the
6 date of the enactment of this Act, the Comptroller General
7 of the United States shall conduct a study regarding erro-
8 neous tentative nonconfirmations under the basic pilot
9 confirmation system established under section 404(a) of
10 the Illegal Immigration Reform and Immigrant Responsi-
11 bility Act of 1996 (8 U.S.C. 1324a note).

12 (b) MATTERS TO BE STUDIED.—In the study re-
13 quired under subsection (a), the Comptroller General shall
14 determine and analyze—

15 (1) the causes of erroneous tentative noncon-
16 firmations under the basic pilot confirmation system;

17 (2) the processes by which such erroneous ten-
18 tative nonconfirmations are remedied; and

19 (3) the effect of such erroneous tentative non-
20 confirmations on individuals, employers, and Federal
21 agencies.

22 (c) REPORT.—Not later than 2 years after the date
23 of the enactment of this Act, the Comptroller General shall
24 submit the results of the study required under subsection
25 (a) to the Committee on Ways and Means and the Com-

1 mittee on the Judiciary of the House of Representatives
2 and the Committee on Finance and the Committee on the
3 Judiciary of the Senate.

4 **SEC. 7004. GAO STUDY OF EFFECTS OF BASIC PILOT PRO-**
5 **GRAM ON SMALL ENTITIES.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of the enactment of this Act, the Comptroller General
8 of the United States shall submit to the Committees on
9 the Judiciary of the United States House of Representa-
10 tives and the Senate a report containing the Comptroller
11 General’s analysis of the effects of the basic pilot program
12 described in section 403(a) of the Illegal Immigration Re-
13 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
14 1324a note) on small entities (as defined in section 601
15 of title 5, United States Code). The report shall detail—

16 (1) the costs of compliance with such program
17 on small entities;

18 (2) a description and an estimate of the number
19 of small entities enrolled and participating in such
20 program or an explanation of why no such estimate
21 is available;

22 (3) the projected reporting, recordkeeping and
23 other compliance requirements of such program on
24 small entities;

1 (4) factors that impact small entities' enroll-
2 ment and participation in such program, including
3 access to appropriate technology, geography, entity
4 size, and class of entity; and

5 (5) the steps, if any, the Secretary of Homeland
6 Security has taken to minimize the economic impact
7 of participating in such program on small entities.

8 (b) DIRECT AND INDIRECT EFFECTS.—The report
9 shall cover, and treat separately, direct effects (such as
10 wages, time, and fees spent on compliance) and indirect
11 effects (such as the effect on cash flow, sales, and competi-
12 tiveness).

13 (c) SPECIFIC CONTENTS.—The report shall provide
14 specific and separate details with respect to—

15 (1) small businesses (as defined in section 601
16 of title 5, United States Code) with fewer than 50
17 employees; and

18 (2) small entities operating in States that have
19 mandated use of the basic pilot program.

1 **TITLE VIII—INTERIOR AND**
2 **ENVIRONMENT**

3 DEPARTMENT OF THE INTERIOR

4 BUREAU OF LAND MANAGEMENT

5 CONSTRUCTION

6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount for “Construction”,
8 \$325,000,000, for priority road, bridge, and trail repair
9 or decommissioning, critical deferred maintenance
10 projects, facilities construction and renovation, hazardous
11 fuels reduction, and remediation of abandoned mine or
12 well sites: *Provided*, That funds may be transferred to
13 other appropriate accounts of the Bureau of Land man-
14 agement: *Provided further*, That the amount set aside
15 from this appropriation pursuant to section 1106 of this
16 Act shall be not more than 5 percent instead of the per-
17 centage specified in such section.

18 UNITED STATES FISH AND WILDLIFE SERVICE

19 CONSTRUCTION

20 (INCLUDING TRANSFER OF FUNDS)

21 For an additional amount for “Construction”,
22 \$300,000,000, for priority road and bridge repair and re-
23 placement, and critical deferred maintenance and improve-
24 ment projects on National Wildlife Refuges, National Fish
25 Hatcheries, and other Service properties: *Provided*, That

1 funds may be transferred to “Resource Management”:
2 *Provided further*, That the amount set aside from this ap-
3 propriation pursuant to section 1106 of this Act shall be
4 not more than 5 percent instead of the percentage speci-
5 fied in such section.

6 NATIONAL PARK SERVICE

7 CONSTRUCTION

8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Construction”,
10 \$1,700,000,000, for projects to address critical deferred
11 maintenance needs within the National Park System, in-
12 cluding roads, bridges and trails, and for other critical in-
13 frastructure projects: *Provided*, That funds may be trans-
14 ferred to “Operation of the National Park System”: *Pro-*
15 *vided further*, That \$200,000,000 of these funds shall be
16 for projects related to the preservation and repair of his-
17 torical and cultural resources within the National Park
18 System: *Provided further*, That the amount set aside from
19 this appropriation pursuant to section 1106 of this Act
20 shall be not more than 5 percent instead of the percentage
21 specified in such section.

22 NATIONAL MALL REVITALIZATION FUND

23 For construction, improvements, repair, or replace-
24 ment of facilities related to the revitalization of National
25 Park Service assets on the National Mall in Washington,

1 DC, \$200,000,000, of which \$100,000,000 shall only be
2 made available to the extent that funds are matched by
3 non-Federal contributions: *Provided*, That the amount set
4 aside from this appropriation pursuant to section 1106 of
5 this Act shall be not more than 5 percent instead of the
6 percentage specified in such section.

7 CENTENNIAL CHALLENGE

8 To carry out provisions of section 814(g) of Public
9 Law 104–333 relating to challenge cost share agreements,
10 \$100,000,000, for National Park Service Centennial Chal-
11 lenge signature projects and programs: *Provided*, That not
12 less than 50 percent of the total cost of each project or
13 program is derived from non-Federal sources in the form
14 of donated cash, assets, in-kind services, or a pledge of
15 donation guaranteed by an irrevocable letter of credit: *Pro-*
16 *vided further*, That the amount set aside from this appro-
17 priation pursuant to section 1106 of this Act shall be not
18 more than 5 percent instead of the percentage specified
19 in such section.

20 UNITED STATES GEOLOGICAL SURVEY

21 SURVEYS, INVESTIGATIONS, AND RESEARCH

22 For an additional amount for “Surveys, Investiga-
23 tions, and Research”, \$200,000,000, for repair and res-
24 toration of facilities; equipment replacement and upgrades
25 including stream gages, and seismic and volcano moni-

1 toring systems; national map activities; and other critical
2 deferred maintenance and improvement projects: *Pro-*
3 *vided*, That the amount set aside from this appropriation
4 pursuant to section 1106 of this Act shall be not more
5 than 5 percent instead of the percentage specified in such
6 section.

7 BUREAU OF INDIAN AFFAIRS

8 CONSTRUCTION

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Construction”,
11 \$500,000,000, for priority repair and replacement of
12 schools, detention centers, roads, bridges, employee hous-
13 ing, and critical deferred maintenance projects: *Provided*,
14 That not less than \$250,000,000 shall be used for new
15 and replacement schools and detention centers: *Provided*
16 *further*, That funds may be transferred to “Operation of
17 Indian Programs”: *Provided further*, That the amount set
18 aside from this appropriation pursuant to section 1106 of
19 this Act shall be not more than 5 percent instead of the
20 percentage specified in such section.

21 ENVIRONMENTAL PROTECTION AGENCY

22 HAZARDOUS SUBSTANCE SUPERFUND

23 For an additional amount for “Hazardous Substance
24 Superfund”, \$800,000,000, which shall be used for the
25 Superfund Remedial program: *Provided*, That amounts

1 available by law from this appropriation for management
2 and administration shall take the place of the set-aside
3 under section 1106 of this Act.

4 LEAKING UNDERGROUND STORAGE TANK TRUST FUND
5 PROGRAM

6 For an additional amount for “Leaking Underground
7 Storage Tank Trust Fund Program”, to carry out leaking
8 underground storage tank cleanup activities authorized by
9 subtitle I of the Solid Waste Disposal Act, \$200,000,000,
10 which shall be used to carry out leaking underground stor-
11 age tank cleanup activities authorized by section 9003(h)
12 of the Solid Waste Disposal Act, except that such funds
13 shall not be subject to the State matching requirements
14 in section 9003(h)(7)(B): *Provided*, That amounts avail-
15 able by law from this appropriation for management and
16 administration shall take the place of the set-aside under
17 section 1106 of this Act.

18 STATE AND TRIBAL ASSISTANCE GRANTS

19 For an additional amount for “State and Tribal As-
20 sistance Grants”, \$8,400,000,000, which shall be used as
21 follows:

22 (1) \$6,000,000,000 shall be for capitalization
23 grants for the Clean Water State Revolving Funds
24 under title VI of the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1381 et seq.), except that such

1 funds shall not be subject to the State matching re-
2 quirements in paragraphs (2) and (3) of section
3 602(b) of such Act or to the Federal cost share limi-
4 tations in section 202 of such Act: *Provided*, That
5 the amount set aside from this appropriation pursu-
6 ant to section 1106 of this Act shall be not more
7 than 2 percent instead of the percentage specified in
8 such section: *Provided further*, That, notwith-
9 standing the limitation on amounts specified in sec-
10 tion 518(c) of the Federal Water Pollution Control
11 Act, up to a total of 1.5 percent of such funds may
12 be reserved by the Administrator of the Environ-
13 mental Protection Agency for grants under section
14 518(c) of such Act: *Provided further*, That the re-
15 quirements of section 513 of such Act shall apply to
16 the construction of treatment works carried out in
17 whole or in part with assistance made available
18 under this heading by a Clean Water State Revolv-
19 ing Fund under title VI of such Act, or with assist-
20 ance made available under section 205(m) of such
21 Act, or both: *Provided further*, That, notwith-
22 standing the requirements of section 603(d) of such
23 Act, each State shall use 50 percent of the amount
24 of the capitalization grant received by the State
25 under title VI of such Act to provide assistance, in

1 the form of additional subsidization, including for-
2 giveness of principal, negative interest loans, and
3 grants, to municipalities (as defined in section 502
4 of such Act) for projects that are included on the
5 State's priority list established under section 603(g)
6 of such Act, of which 80 percent shall be for projects
7 to benefit municipalities that meet affordability cri-
8 teria as determined by the Governor of the State
9 and 20 percent shall be for projects to address
10 water-efficiency goals, address energy-efficiency
11 goals, mitigate stormwater runoff, or encourage en-
12 vironmentally sensitive project planning, design, and
13 construction, to the extent that there are sufficient
14 project applications eligible for such assistance.

15 (2) \$2,000,000,000 shall be for capitalization
16 grants for the Drinking Water State Revolving
17 Funds under section 1452 of the Safe Drinking
18 Water Act (42 U.S.C. 300j-12), except that such
19 funds shall not be subject to the State matching re-
20 quirements of section 1452(e) of such Act: *Provided*,
21 That the amount set aside from this appropriation
22 pursuant to section 1106 of this Act shall be not
23 more than 2 percent instead of the percentage speci-
24 fied in such section: *Provided further*, That section
25 1452(k) of the Safe Drinking Water Act shall not

1 apply to such funds: *Provided further*, That the re-
2 quirements of section 1450(e) of such Act (42
3 U.S.C. 300j-9(e)) shall apply to the construction
4 carried out in whole or part with assistance made
5 available under this heading by a Drinking Water
6 State Revolving fund under section 1452 of such
7 Act: *Provided further*, That, notwithstanding the re-
8 quirements of section 1452(a)(2) of such Act, each
9 State shall use 50 percent of the amount of the cap-
10 italization grant received by the State under section
11 1452 of such Act to provide assistance, in the form
12 of additional subsidization, including forgiveness of
13 principal, negative interest loans, and grants, to mu-
14 nicipalities (as defined in section 1401 of such Act)
15 for projects that are included on the State's priority
16 list established under section 1452(b)(3) of such
17 Act.

18 (3) \$300,000,000 shall be for grants under title
19 VII, Subtitle G of the Energy Policy Act of 2005:
20 *Provided*, That the amount set aside from this ap-
21 propriation pursuant to section 1106 of this Act
22 shall be not more than 3 percent instead of the per-
23 centage specified in such section.

24 (4) \$100,000,000 shall be to carry out section
25 104(k) of the Comprehensive Environmental Re-

1 sponse, Compensation, and Liability Act of 1980:
2 *Provided*, That the amount set aside from this ap-
3 propriation pursuant to section 1106 of this Act
4 shall be not more than 3 percent instead of the per-
5 centage specified in such section.

6 DEPARTMENT OF AGRICULTURE

7 FOREST SERVICE

8 CAPITAL IMPROVEMENT AND MAINTENANCE

9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for “Capital Improvement
11 and Maintenance”, \$650,000,000, for reconstruction, cap-
12 ital improvement, decommissioning, and maintenance of
13 forest roads, bridges and trails; alternative energy tech-
14 nologies, energy efficiency enhancements and deferred
15 maintenance at Federal facilities; and for remediation of
16 abandoned mine sites, removal of fish passage barriers,
17 and other critical habitat, forest improvement and water-
18 shed enhancement projects on Federal lands and waters:
19 *Provided*, That funds may be transferred to “National
20 Forest System”: *Provided further*, That the amount set
21 aside from this appropriation pursuant to section 1106 of
22 this Act shall be not more than 5 percent instead of the
23 percentage specified in such section.

1 WILDLAND FIRE MANAGEMENT

2 (INCLUDING TRANSFERS OF FUNDS)

3 For an additional amount for “Wildland Fire Man-
4 agement”, \$850,000,000, of which \$300,000,000 is for
5 hazardous fuels reduction, forest health, wood to energy
6 grants and rehabilitation and restoration activities on
7 Federal lands, and of which \$550,000,000 is for State fire
8 assistance hazardous fuels projects, volunteer fire assist-
9 ance, cooperative forest health projects, city forest en-
10 hancements, and wood to energy grants on State and pri-
11 vate lands: *Provided*, That amounts in this paragraph may
12 be transferred to “State and Private Forestry” and “Na-
13 tional Forest System”: *Provided further*, That the amount
14 set aside from this appropriation pursuant to section 1106
15 of this Act shall be not more than 5 percent instead of
16 the percentage specified in such section.

17 DEPARTMENT OF HEALTH AND HUMAN
18 SERVICES

19 INDIAN HEALTH SERVICE

20 INDIAN HEALTH FACILITIES

21 For an additional amount for “Indian Health Facili-
22 ties”, \$550,000,000, for priority health care facilities con-
23 struction projects and deferred maintenance, and the pur-
24 chase of equipment and related services, including but not
25 limited to health information technology: *Provided*, That

1 notwithstanding any other provision of law, the amounts
2 available under this paragraph shall be allocated at the
3 discretion of the Director of the Indian Health Service:
4 *Provided further*, That the amount set aside from this ap-
5 propriation pursuant to section 1106 of this Act shall be
6 not more than 5 percent instead of the percentage speci-
7 fied in such section.

8 OTHER RELATED AGENCIES

9 SMITHSONIAN INSTITUTION

10 FACILITIES CAPITAL

11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for “Facilities Capital”,
13 \$150,000,000, for deferred maintenance projects, and for
14 repair, revitalization, and alteration of facilities owned or
15 occupied by the Smithsonian Institution, by contract or
16 otherwise, as authorized by section 2 of the Act of August
17 22, 1949 (63 Stat. 623): *Provided*, That funds may be
18 transferred to “Salaries and Expenses”: *Provided further*,
19 That the amount set aside from this appropriation pursu-
20 ant to section 1106 of this Act shall be not more than
21 5 percent instead of the percentage specified in such sec-
22 tion.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES
3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For an additional amount for “Grants and Adminis-
6 tration”, \$50,000,000, to be distributed in direct grants
7 to fund arts projects and activities which preserve jobs in
8 the non-profit arts sector threatened by declines in philan-
9 thropic and other support during the current economic
10 downturn: *Provided*, That 40 percent of such funds shall
11 be distributed to State arts agencies and regional arts or-
12 ganizations in a manner similar to the agency’s current
13 practice and 60 percent of such funds shall be for competi-
14 tively selected arts projects and activities according to sec-
15 tions 2 and 5(c) of the National Foundation on the Arts
16 and Humanities Act of 1965 (20 U.S.C. 951, 954(c)):
17 *Provided further*, That matching requirements under sec-
18 tion 5(e) of such Act shall be waived: *Provided further*,
19 That the amount set aside from this appropriation pursu-
20 ant to section 1106 of this Act shall be not more than
21 5 percent instead of the percentage specified in such sec-
22 tion.

1 **TITLE IX—LABOR, HEALTH AND**
2 **HUMAN SERVICES, AND EDU-**
3 **CATION**

4 **Subtitle A—Labor**

5 DEPARTMENT OF LABOR

6 EMPLOYMENT AND TRAINING ADMINISTRATION

7 TRAINING AND EMPLOYMENT SERVICES

8 For an additional amount for “Training and Employ-
9 ment Services” for activities under the Workforce Invest-
10 ment Act of 1998 (“WIA”), \$4,000,000,000, which shall
11 be available for obligation on the date of enactment of this
12 Act, as follows:

13 (1) \$500,000,000 for grants to the States for
14 adult employment and training activities;

15 (2) \$1,200,000,000 for grants to the States for
16 youth activities, including summer jobs for youth:

17 *Provided*, That the work readiness performance indi-
18 cator described in section 136(b)(2)(A)(ii)(I) of the
19 WIA shall be the only measure of performance used
20 to assess the effectiveness of summer jobs for youth
21 provided with such funds: *Provided further*, That
22 with respect to the youth activities provided with
23 such funds, section 101(13)(A) of the WIA shall be
24 applied by substituting “age 24” for “age 21”: *Pro-*
25 *vided further*, That no portion of the additional

1 funds provided herein shall be reserved to carry out
2 section 127(b)(1)(A) of the WIA: *Provided further*,
3 That for purposes of section 127(b)(1)(C)(iv) of the
4 WIA, such funds shall be allotted as if the total
5 amount of funding available for youth activities in
6 the fiscal year does not exceed \$1,000,000,000;

7 (3) \$1,000,000,000 for grants to the States for
8 dislocated worker employment and training activi-
9 ties;

10 (4) \$500,000,000 for the dislocated workers as-
11 sistance national reserve to remain available for
12 Federal obligation through June 30, 2010: *Provided*,
13 That such funds shall be made available for grants
14 only to eligible entities that serve areas of high un-
15 employment or high poverty and only for the pur-
16 poses described in subsection 173(a)(1) of the WIA:
17 *Provided further*, That the Secretary of Labor shall
18 ensure that applicants for such funds demonstrate
19 how income support, child care, and other supportive
20 services necessary for an individual's participation in
21 job training will be provided;

22 (5) \$50,000,000 for YouthBuild activities,
23 which shall remain available for Federal obligation
24 through June 30, 2010; and

1 (6) \$750,000,000 for a program of competitive
2 grants for worker training and placement in high
3 growth and emerging industry sectors: *Provided*,
4 That \$500,000,000 shall be for research, labor ex-
5 change and job training projects that prepare work-
6 ers for careers in the energy efficiency and renew-
7 able energy industries specified in section
8 171(e)(1)(B)(ii) of the WIA (as amended by the
9 Green Jobs Act of 2007): *Provided further*, That in
10 awarding grants from those funds not designated in
11 the preceding proviso, the Secretary of Labor shall
12 give priority to projects that prepare workers for ca-
13 reers in the health care sector: *Provided further*,
14 That the provisions of section 1103 of this Act shall
15 not apply to this appropriation:
16 *Provided*, That the additional funds provided to States
17 under this heading are not subject to section 191(a) of
18 the WIA: *Provided further*, That notwithstanding section
19 1106 of this Act, there shall be no amount set aside from
20 the appropriations made in subsections (1) through (3)
21 under this heading and the amount set aside for sub-
22 sections (4) through (6) shall be up to 1 percent instead
23 of the percentage specified in such section.

1 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
2 AMERICANS

3 For an additional amount for “Community Service
4 Employment for Older Americans” to carry out title V of
5 the Older Americans Act of 1965, \$120,000,000, which
6 shall be available for obligation on the date of enactment
7 of this Act: *Provided*, That funds shall be allotted within
8 30 days of such enactment to current grantees in propor-
9 tion to their allotment in program year 2008.

10 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
11 SERVICE OPERATIONS

12 For an additional amount for “State Unemployment
13 Insurance and Employment Service Operations” for
14 grants to the States in accordance with section 6 of the
15 Wagner-Peyser Act, \$500,000,000, which may be ex-
16 pended from the Employment Security Administration Ac-
17 count in the Unemployment Trust Fund, and which shall
18 be available for obligation on the date of enactment of this
19 Act: *Provided*, That such funds shall remain available to
20 the States through September 30, 2010: *Provided further*,
21 That, with respect to such funds, section 6(b)(1) of such
22 Act shall be applied by substituting “one-third” for “two-
23 thirds” in subparagraph (A), with the remaining one-third
24 of the sums to be allotted in accordance with section
25 132(b)(2)(B)(ii)(III) of the Workforce Investment Act of

1 1998: *Provided further*, That not less than \$250,000,000
2 of the amount provided under this heading shall be used
3 by States for reemployment services for unemployment in-
4 surance claimants (including the integrated Employment
5 Service and Unemployment Insurance information tech-
6 nology required to identify and serve the needs of such
7 claimants): *Provided further*, That the Secretary of Labor
8 shall establish planning and reporting procedures nec-
9 essary to provide oversight of funds used for reemploy-
10 ment services.

11 DEPARTMENTAL MANAGEMENT

12 SALARIES AND EXPENSES

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Departmental Man-
15 agement”, \$80,000,000, for the enforcement of worker
16 protection laws and regulations, oversight, and coordina-
17 tion activities related to the infrastructure and unemploy-
18 ment insurance investments in this Act: *Provided*, That
19 the Secretary of Labor may transfer such sums as nec-
20 essary to “Employment and Standards Administration”,
21 “Occupational Safety and Health Administration”, and
22 “Employment and Training Administration—Program
23 Administration” for enforcement, oversight, and coordina-
24 tion activities: *Provided further*, That the provisions of sec-
25 tion 1106 of this Act shall not apply to this appropriation.

OFFICE OF JOB CORPS

1
2 For an additional amount for “Office of Job Corps”,
3 \$300,000,000, for construction, rehabilitation and acqui-
4 sition of Job Corps Centers, which shall be available upon
5 the date of enactment of this Act and remain available
6 for obligation through June 30, 2010: *Provided*, That sec-
7 tion 1552(a) of title 31, United States Code shall not
8 apply to up to 30 percent of such funds, if such funds
9 are used for a multi-year lease agreement that will result
10 in construction activities that can commence within 120
11 days of enactment of this Act: *Provided further*, That not-
12 withstanding section 3324(a) of title 31, United States
13 Code, the funds referred to in the preceding proviso may
14 be used for advance, progress, and other payments: *Pro-*
15 *vided further*, That the Secretary of Labor may transfer
16 up to 15 percent of such funds to meet the operational
17 needs of such centers, which may include the provision of
18 additional training for careers in the energy efficiency and
19 renewable energy industries: *Provided further*, That pri-
20 ority should be given to activities that can commence
21 promptly following enactment and to those projects that
22 will create the greatest impact on the energy efficiency of
23 Job Corps facilities: *Provided further*, That the Secretary
24 shall provide to the Committees on Appropriations of the
25 House of Representatives and the Senate a report on the

1 actual obligations, expenditures, and unobligated balances
 2 for each activity funded under this heading not later than
 3 September 30, 2009 and quarterly thereafter as long as
 4 funding provided under this heading is available for obli-
 5 gation or expenditure.

6 GENERAL PROVISIONS, THIS SUBTITLE

7 **SEC. 9101. ELIGIBLE EMPLOYEES IN THE RECREATIONAL**
 8 **MARINE INDUSTRY.**

9 Section 2(3)(F) of the Longshore and Harbor Work-
 10 ers' Compensation Act (33 U.S.C. 902(3)(F)) is amend-
 11 ed—

12 (1) by striking “, repair or dismantle”; and

13 (2) by striking the semicolon and inserting “, or
 14 individuals employed to repair any recreational ves-
 15 sel, or to dismantle any part of a recreational vessel
 16 in connection with the repair of such vessel;”.

17 **Subtitle B—Health and Human**
 18 **Services**

19 DEPARTMENT OF HEALTH AND HUMAN
 20 SERVICES

21 HEALTH RESOURCES AND SERVICES

22 For an additional amount for “Health Resources and
 23 Services”, \$2,188,000,000 which shall be used as follows:

24 (1) \$500,000,000, of which \$250,000,000 shall
 25 not be available until October 1, 2009, shall be for

1 grants to health centers authorized under section
2 330 of the Public Health Service Act (“PHS Act”);

3 (2) \$1,000,000,000 shall be available for ren-
4 ovation and repair of health centers authorized
5 under section 330 of the PHS Act and for the acqui-
6 sition by such centers of health information tech-
7 nology systems: *Provided*, That the timeframe for
8 the award of grants pursuant to section 1103(b) of
9 this Act shall not be later than 180 days after the
10 date of enactment of this Act instead of the time-
11 frame specified in such section;

12 (3) \$88,000,000 shall be for fit-out and other
13 costs related to moving into a facility to be secured
14 through a competitive lease procurement to replace
15 or renovate a headquarters building for Public
16 Health Service agencies and other components of the
17 Department of Health and Human Services; and

18 (4) \$600,000,000, of which \$300,000,000 shall
19 not be available until October 1, 2009, shall be for
20 the training of nurses and primary care physicians
21 and dentists as authorized under titles VII and VIII
22 of the PHS Act, for the provision of health care per-
23 sonnel under the National Health Service Corps pro-
24 gram authorized under title III of the PHS Act, and

1 for the patient navigator program authorized under
2 title III of the PHS Act.

3 CENTERS FOR DISEASE CONTROL AND PREVENTION

4 DISEASE CONTROL, RESEARCH, AND TRAINING

5 For an additional amount for “Disease Control, Re-
6 search, and Training” for equipment, construction, and
7 renovation of facilities, including necessary repairs and
8 improvements to leased laboratories, \$462,000,000: *Pro-*
9 *vided*, That notwithstanding any other provision of law,
10 the Centers for Disease Control and Prevention may
11 award a single contract or related contracts for develop-
12 ment and construction of facilities that collectively include
13 the full scope of the project: *Provided further*, That the
14 solicitation and contract shall contain the clause “avail-
15 ability of funds” found at 48 CFR 52.232–18: *Provided*
16 *further*, That in accordance with applicable authorities,
17 policies, and procedures, the Centers for Disease Control
18 and Prevention shall acquire real property, and make any
19 necessary improvements thereon, to relocate and consoli-
20 date property and facilities of the National Institute for
21 Occupational Safety and Health.

22 NATIONAL INSTITUTES OF HEALTH

23 NATIONAL CENTER FOR RESEARCH RESOURCES

24 For an additional amount for “National Center for
25 Research Resources”, \$1,500,000,000 for grants or con-

1 tracts under section 481A of the Public Health Service
2 Act to renovate or repair existing non-Federal research fa-
3 cilities: *Provided*, That sections 481A(c)(1)(B)(ii), para-
4 graphs (1), (3), and (4) of section 481A(e), and section
5 481B of such Act shall not apply to the use of such funds:
6 *Provided further*, That the references to “20 years” in sub-
7 sections (c)(1)(B)(i) and (f) of section 481A of such Act
8 are deemed to be references to “10 years” for purposes
9 of using such funds: *Provided further*, That the National
10 Center for Research Resources may also use such funds
11 to provide, under the authority of section 301 and title
12 IV of such Act, shared instrumentation and other capital
13 research equipment to recipients of grants and contracts
14 under section 481A of such Act and other appropriate en-
15 tities: *Provided further*, That the Director of the Center
16 shall provide to the Committees on Appropriations of the
17 House of Representatives and the Senate an annual report
18 indicating the number of institutions receiving awards of
19 a grant or contract under section 481A of such Act, the
20 proposed use of the funding, the average award size, a
21 list of grant or contract recipients, and the amount of each
22 award: *Provided further*, That the Center, in obligating
23 such funds, shall require that each entity that applies for
24 a grant or contract under section 481A for any project
25 shall include in its application an assurance described in

1 section 1621(b)(1)(I) of the Public Health Service Act:
2 *Provided further*, That the Center shall give priority in the
3 award of grants and contracts under section 481A of such
4 Act to those applications that are expected to generate de-
5 monstrable energy-saving or beneficial environmental ef-
6 fects: *Provided further*, That the provisions of section 1103
7 of this Act shall not apply to the peer-reviewed grants
8 awarded under this heading.

9 OFFICE OF THE DIRECTOR

10 (INCLUDING TRANSFER OF FUNDS)

11 For an additional amount for “Office of the Direc-
12 tor”, \$1,500,000,000, of which \$750,000,000 shall not be
13 available until October 1, 2009: *Provided*, That such funds
14 shall be transferred to the Institutes and Centers of the
15 National Institutes of Health and to the Common Fund
16 established under section 402A(c)(1) of the Public Health
17 Service Act in proportion to the appropriations otherwise
18 made to such Institutes, Centers, and Common Fund for
19 fiscal year 2009: *Provided further*, That these funds shall
20 be used to support additional scientific research and shall
21 be merged with and be available for the same purposes
22 as the appropriation or fund to which transferred: *Pro-*
23 *vided further*, That this transfer authority is in addition
24 to any other transfer authority available to the National
25 Institutes of Health: *Provided further*, That none of these

1 funds may be transferred to “National Institutes of
2 Health—Buildings and Facilities”, the Center for Sci-
3 entific Review, the Center for Information Technology, the
4 Clinical Center, the Global Fund for HIV/AIDS, Tuber-
5 culosis and Malaria, or the Office of the Director (except
6 for the transfer to the Common Fund): *Provided further*,
7 That the provisions of section 1103 of this Act shall not
8 apply to the peer-reviewed grants awarded under this
9 heading.

10 BUILDINGS AND FACILITIES

11 For an additional amount for “Buildings and Facili-
12 ties”, \$500,000,000, to fund high priority repair and im-
13 provement projects for National Institutes of Health facili-
14 ties on the Bethesda, Maryland campus and other agency
15 locations.

16 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

17 HEALTHCARE RESEARCH AND QUALITY

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Healthcare Research
20 and Quality” to carry out titles III and IX of the Public
21 Health Service Act, part A of title XI of the Social Secu-
22 rity Act, and section 1013 of the Medicare Prescription
23 Drug, Improvement, and Modernization Act of 2003,
24 \$700,000,000 for comparative effectiveness research: *Pro-*
25 *vided*, That of the amount appropriated in this paragraph,

1 \$400,000,000 shall be transferred to the Office of the Di-
2 rector of the National Institutes of Health (“Office of the
3 Director”) to conduct or support comparative effectiveness
4 research: *Provided further*, That funds transferred to the
5 Office of the Director may be transferred to the national
6 research institutes and national centers of the National
7 Institutes of Health and to the Common Fund established
8 under section 402A(e)(1) of the Public Health Service Act:
9 *Provided further*, That this transfer authority is in addi-
10 tion to any other transfer authority available to the Na-
11 tional Institutes of Health: *Provided further*, That the pro-
12 visions of section 1103 of this Act shall not apply to the
13 peer-reviewed grants awarded under this paragraph: *Pro-*
14 *vided further*, That the amount set aside from this appro-
15 priation pursuant to section 1106 of this Act shall be not
16 more than 1 percent instead of the percentage specified
17 in such section.

18 In addition, \$400,000,000 shall be available for com-
19 parative effectiveness research to be allocated at the dis-
20 cretion of the Secretary of Health and Human Services
21 (“Secretary”): *Provided*, That the funding appropriated in
22 this paragraph shall be used to accelerate the development
23 and dissemination of research assessing the comparative
24 effectiveness of health care treatments and strategies, in-
25 cluding through efforts that: (1) conduct, support, or syn-

1 thesize research that compares the clinical outcomes, ef-
2 fectiveness, and appropriateness of items, services, and
3 procedures that are used to prevent, diagnose, or treat dis-
4 eases, disorders, and other health conditions; and (2) en-
5 courage the development and use of clinical registries, clin-
6 ical data networks, and other forms of electronic health
7 data that can be used to generate or obtain outcomes data:
8 *Provided further*, That the Secretary shall enter into a
9 contract with the Institute of Medicine, for which no more
10 than \$1,500,000 shall be made available from funds pro-
11 vided in this paragraph, to produce and submit a report
12 to the Congress and the Secretary by not later than June
13 30, 2009, that includes recommendations on the national
14 priorities for comparative effectiveness research to be con-
15 ducted or supported with the funds provided in this para-
16 graph and that considers input from stakeholders: *Pro-*
17 *vided further*, That the Secretary shall consider any rec-
18 ommendations of the Federal Coordinating Council for
19 Comparative Effectiveness Research established by section
20 9201 of this Act and any recommendations included in
21 the Institute of Medicine report pursuant to the preceding
22 proviso in designating activities to receive funds provided
23 in this paragraph and may make grants and contracts
24 with appropriate entities, which may include agencies
25 within the Department of Health and Human Services and

1 other governmental agencies, as well as private sector enti-
2 ties, that have demonstrated experience and capacity to
3 achieve the goals of comparative effectiveness research:
4 *Provided further*, That the Secretary shall publish infor-
5 mation on grants and contracts awarded with the funds
6 provided under this heading within a reasonable time of
7 the obligation of funds for such grants and contracts and
8 shall disseminate research findings from such grants and
9 contracts to clinicians, patients, and the general public,
10 as appropriate: *Provided further*, That, to the extent fea-
11 sible, the Secretary shall ensure that the recipients of the
12 funds provided by this paragraph offer an opportunity for
13 public comment on the research: *Provided further*, That
14 the provisions of section 1103 of this Act shall not apply
15 to the peer-reviewed grants awarded under this paragraph:
16 *Provided further*, That the Secretary shall provide the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate, the Committee on Energy and Com-
19 merce and the Committee on Ways and Means of the
20 House of Representatives, and the Committee on Health,
21 Education, Labor, and Pensions and the Committee on Fi-
22 nance of the Senate with an annual report on the research
23 conducted or supported through the funds provided under
24 this heading: *Provided further*, That the Secretary, jointly
25 with the Directors of the Agency for Healthcare Research

1 and Quality and the National Institutes of Health, shall
2 provide the Committees on Appropriations of the House
3 of Representatives and the Senate a fiscal year 2009 oper-
4 ating plan for the funds appropriated under this heading
5 prior to making any Federal obligations of such funds in
6 fiscal year 2009, but not later than 90 days after the date
7 of enactment of this Act, and a fiscal year 2010 operating
8 plan for such funds prior to making any Federal obliga-
9 tions of such funds in fiscal year 2010, but not later than
10 November 1, 2009, that detail the type of research being
11 conducted or supported, including the priority conditions
12 addressed; and specify the allocation of resources within
13 the Department of Health and Human Services: *Provided*
14 *further*, That the Secretary jointly with the Directors of
15 the Agency for Healthcare Research and Quality and the
16 National Institutes of Health, shall provide to the Com-
17 mittees on Appropriations of the House of Representatives
18 and the Senate a report on the actual obligations, expendi-
19 tures, and unobligated balances for each activity funded
20 under this heading not later than November 1, 2009, and
21 every 6 months thereafter as long as funding provided
22 under this heading is available for obligation or expendi-
23 ture.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES

2 LOW-INCOME HOME ENERGY ASSISTANCE

3 For an additional amount for “Low-Income Home
4 Energy Assistance” for making payments under section
5 2602(b) and section 2602(d) of the Low-Income Home
6 Energy Assistance Act of 1981, \$1,000,000,000, which
7 shall become available on October 1, 2009: *Provided*, That
8 the provisions of section 1106 of this Act shall not apply
9 to this appropriation.

10 PAYMENTS TO STATES FOR THE CHILD CARE AND

11 DEVELOPMENT BLOCK GRANT

12 For an additional amount for “Payments to States
13 for the Child Care and Development Block Grant”,
14 \$2,000,000,000, of which \$1,000,000,000 shall become
15 available on October 1, 2009, which shall be used to sup-
16 plement, not supplant State general revenue funds for
17 child care assistance for low-income families: *Provided*,
18 That the provisions of section 1106 of this Act shall not
19 apply to this appropriation.

20 CHILDREN AND FAMILIES SERVICES PROGRAMS

21 For an additional amount for “Children and Families
22 Services Programs”, \$3,200,000,000, which shall be used
23 as follows:

1 (1) \$1,000,000,000 for carrying out activities
2 under the Head Start Act, of which \$500,000,000
3 shall become available on October 1, 2009;

4 (2) \$1,100,000,000 for expansion of Early
5 Head Start programs, as described in section 645A
6 of the Head Start Act, of which \$550,000,000 shall
7 become available on October 1, 2009: *Provided*, That
8 of the funds provided in this sentence, up to 10 per-
9 cent shall be available for the provision of training
10 and technical assistance to such programs consistent
11 with section 645A(g)(2) of such Act, and up to 3
12 percent shall be available for monitoring the oper-
13 ation of such programs consistent with section 641A
14 of such Act: *Provided further*, That the preceding
15 proviso shall apply to this appropriation in lieu of
16 the provisions of section 1106 of this Act: *Provided*
17 *further*, That the provisions of section 1103 of this
18 Act shall not apply to this appropriation;

19 (3) \$1,000,000,000 for carrying out activities
20 under sections 674 through 679 of the Community
21 Services Block Grant Act, of which \$500,000,000
22 shall become available on October 1, 2009, and of
23 which no part shall be subject to paragraphs (2) and
24 (3) of section 674(b) of such Act: *Provided*, That
25 notwithstanding section 675C(a)(1) of such Act, 100

1 percent of the funds made available to a State from
2 this additional amount shall be distributed to eligible
3 entities as defined in section 673(1) of such Act:
4 *Provided further*, That for services furnished under
5 such Act during fiscal years 2009 and 2010, States
6 may apply the last sentence of section 673(2) of
7 such Act by substituting “200 percent” for “125
8 percent”: *Provided further*, That the provisions of
9 section 1106 of this Act shall not apply to this ap-
10 propriation; and

11 (4) \$100,000,000 for carrying out activities
12 under section 1110 of the Social Security Act, of
13 which \$50,000,000 shall become available on Octo-
14 ber 1, 2009: *Provided*, That the Secretary of Health
15 and Human Services shall distribute such amount
16 under the Compassion Capital Fund to eligible faith-
17 based and community organizations: *Provided fur-*
18 *ther*, That the provisions of section 1106 of this Act
19 shall not apply to this appropriation.

20 ADMINISTRATION ON AGING

21 AGING SERVICES PROGRAMS

22 For an additional amount for “Aging Services Pro-
23 grams” under section 311, and subparts 1 and 2 of part
24 C, of title III of the Older Americans Act of 1965,
25 \$200,000,000, of which \$100,000,000 shall become avail-

1 able on October 1, 2009: *Provided*, That the provisions
2 of section 1106 of this Act shall not apply to this appro-
3 priation.

4 OFFICE OF THE SECRETARY

5 OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH

6 INFORMATION TECHNOLOGY

7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Office of the National
9 Coordinator for Health Information Technology” to carry
10 out section 9202 of this Act, \$2,000,000,000, to remain
11 available until expended: *Provided*, That of such amount,
12 the Secretary of Health and Human Services shall trans-
13 fer \$20,000,000 to the Director of the National Institute
14 of Standards and Technology in the Department of Com-
15 merce for continued work on advancing health care infor-
16 mation enterprise integration through activities such as
17 technical standards analysis and establishment of con-
18 formance testing infrastructure, so long as such activities
19 are coordinated with the Office of the National Coordi-
20 nator for Health Information Technology: *Provided fur-*
21 *ther*, That the provisions of section 1103 of this Act shall
22 not apply to this appropriation: *Provided further*, That the
23 amount set aside from this appropriation pursuant to sec-
24 tion 1106 of this Act shall be 0.25 percent instead of the
25 percentage specified in such section: *Provided further*,

1 That funds available under this heading shall become
2 available for obligation only upon submission of an annual
3 operating plan by the Secretary to the Committees on Ap-
4 propriations of the House of Representatives and the Sen-
5 ate: *Provided further*, That the fiscal year 2009 operating
6 plan shall be provided not later than 90 days after enact-
7 ment of this Act and that subsequent annual operating
8 plans shall be provided not later than November 1 of each
9 year: *Provided further*, That these operating plans shall
10 describe how expenditures are aligned with the specific ob-
11 jectives, milestones, and metrics of the Federal Health In-
12 formation Technology Strategic Plan, including any subse-
13 quent updates to the Plan; the allocation of resources
14 within the Department of Health and Human Services and
15 other Federal agencies; and the identification of programs
16 and activities that are supported: *Provided further*, That
17 the Secretary shall provide to the Committees on Appro-
18 priations of the House of Representatives and the Senate
19 a report on the actual obligations, expenditures, and unob-
20 ligated balances for each major set of activities not later
21 than November 1, 2009, and every 6 months thereafter
22 as long as funding provided under this heading is available
23 for obligation or expenditure: *Provided further*, That the
24 Comptroller General of the United States shall review on
25 an annual basis the expenditures from funds provided

1 under this heading to determine if such funds are used
2 in a manner consistent with the purpose and requirements
3 under this heading.

4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Public Health and So-
8 cial Services Emergency Fund” to support advanced re-
9 search and development pursuant to section 319L of the
10 Public Health Service Act, \$430,000,000: *Provided*, That
11 the provisions of section 1103 of this Act shall not apply
12 to this appropriation.

13 For an additional amount for “Public Health and So-
14 cial Services Emergency Fund” to prepare for and re-
15 spond to an influenza pandemic, including the develop-
16 ment and purchase of vaccine, antivirals, necessary med-
17 ical supplies, diagnostics, and other surveillance tools,
18 \$420,000,000: *Provided*, That the provisions of section
19 1103 of this Act shall not apply to this appropriation: *Pro-*
20 *vided further*, That products purchased with these funds
21 may, at the discretion of the Secretary of Health and
22 Human Services (“Secretary”), be deposited in the Stra-
23 tegic National Stockpile: *Provided further*, That notwith-
24 standing section 496(b) of the Public Health Service Act,
25 funds may be used for the construction or renovation of

1 privately owned facilities for the production of pandemic
2 influenza vaccine and other biologics, where the Secretary
3 finds such a contract necessary to secure sufficient sup-
4 plies of such vaccines or biologics: *Provided further*, That
5 funds appropriated in this paragraph may be transferred
6 to other appropriation accounts of the Department of
7 Health and Human Services, as determined by the Sec-
8 retary to be appropriate, to be used for the purposed speci-
9 fied in this sentence.

10 For an additional amount for “Public Health and So-
11 cial Services Emergency Fund” to improve information
12 technology security at the Department of Health and
13 Human Services, \$50,000,000: *Provided*, That the Sec-
14 retary shall prepare and submit a report by not later than
15 November 1, 2009, and by not later than 15 days after
16 the end of each month thereafter, updating the status of
17 actions taken and funds obligated in this and previous ap-
18 propriations Acts for pandemic influenza preparedness
19 and response activities, biomedical advanced research and
20 development activities, Project BioShield, and Cyber Secu-
21 rity.

22 PREVENTION AND WELLNESS FUND

23 (INCLUDING TRANSFER OF FUNDS)

24 For necessary expenses for a “Prevention and
25 Wellness Fund” to be administered through the Depart-

1 ment of Health and Human Services Office of the Sec-
2 retary, \$3,000,000,000: *Provided*, That the provisions of
3 section 1103 of this Act shall not apply to this appropria-
4 tion: *Provided further*, That of the amount appropriated
5 under this heading not less than \$2,350,000,000 shall be
6 transferred to the Centers for Disease Control and Pre-
7 vention as follows:

8 (1) not less than \$954,000,000 shall be used as
9 an additional amount to carry out the immunization
10 program authorized by section 317(a), (j), and
11 (k)(1) of the Public Health Service Act (“section
12 317 immunization program”), of which
13 \$649,900,000 shall be available on October 1, 2009;

14 (2) not less than \$296,000,000 shall be used as
15 an additional amount to carry out Part A of title
16 XIX of the Public Health Service Act, of which
17 \$148,000,000 shall be available on October 1, 2009;

18 (3) not less than \$545,000,000 shall be used as
19 an additional amount to carry out chronic disease,
20 health promotion, and genomics programs, as jointly
21 determined by the Secretary of Health and Human
22 Services (“Secretary”) and the Director of the Cen-
23 ters for Disease Control and Prevention (“Direc-
24 tor”);

1 (4) not less than \$335,000,000 shall be used as
2 an additional amount to carry out domestic HIV/
3 AIDS, viral hepatitis, sexually-transmitted diseases,
4 and tuberculosis prevention programs, as jointly de-
5 termined by the Secretary and the Director;

6 (5) not less than \$60,000,000 shall be used as
7 an additional amount to carry out environmental
8 health programs, as jointly determined by the Sec-
9 retary and the Director;

10 (6) not less than \$50,000,000 shall be used as
11 an additional amount to carry out injury prevention
12 and control programs, as jointly determined by the
13 Secretary and the Director;

14 (7) not less than \$30,000,000 shall be used as
15 an additional amount for public health workforce de-
16 velopment activities, as jointly determined by the
17 Secretary and the Director;

18 (8) not less than \$40,000,000 shall be used as
19 an additional amount for the National Institute for
20 Occupational Safety and Health to carry out re-
21 search activities within the National Occupational
22 Research Agenda; and

23 (9) not less than \$40,000,000 shall be used as
24 an additional amount for the National Center for
25 Health Statistics:

1 *Provided further*, That of the amount appropriated under
2 this heading not less than \$150,000,000 shall be available
3 for an additional amount to carry out activities to imple-
4 ment a national action plan to prevent healthcare-associ-
5 ated infections, as determined by the Secretary, of which
6 not less \$50,000,000 shall be provided to States to imple-
7 ment healthcare-associated infection reduction strategies:

8 *Provided further*, That of the amount appropriated under
9 this heading \$500,000,000 shall be used to carry out evi-
10 dence-based clinical and community-based prevention and
11 wellness strategies and public health workforce develop-
12 ment activities authorized by the Public Health Service
13 Act, as determined by the Secretary, that deliver specific,
14 measurable health outcomes that address chronic and in-
15 fectious disease rates and health disparities, which shall
16 include evidence-based interventions in obesity, diabetes,
17 heart disease, cancer, tobacco cessation and smoking pre-
18 vention, and oral health, and which may be used for the
19 Healthy Communities program administered by the Cen-
20 ters for Disease Control and Prevention and other existing
21 community-based programs administered by the Depart-
22 ment of Health and Human Services: *Provided further*,
23 That funds appropriated in the preceding proviso may be
24 transferred to other appropriation accounts of the Depart-
25 ment of Health and Human Services, as determined by

1 the Secretary to be appropriate: *Provided further*, That the
2 Secretary shall, directly or through contracts with public
3 or private entities, provide for annual evaluations of pro-
4 grams carried out with funds provided under this heading
5 in order to determine the quality and effectiveness of the
6 programs: *Provided further*, That the Secretary shall, not
7 later than 1 year after the date of enactment of this Act,
8 submit to the Committees on Appropriations of the House
9 of Representatives and the Senate, the Committee on En-
10 ergy and Commerce of the House of Representatives, and
11 the Committee on Health, Education, Labor, and Pen-
12 sions of the Senate, a report (1) summarizing the annual
13 evaluations of programs from the preceding proviso; and
14 (2) making recommendations concerning future spending
15 on prevention and wellness activities, including any rec-
16 ommendations made by the United States Preventive
17 Services Task Force in the area of clinical preventive serv-
18 ices and the Task Force on Community Preventive Serv-
19 ices in the area of community preventive services: *Provided*
20 *further*, That the Secretary shall enter into a contract with
21 the Institute of Medicine, for which no more than
22 \$1,500,000 shall be made available from funds provided
23 in this paragraph, to produce and submit a report to the
24 Congress and the Secretary by no later than 1 year after
25 the date of enactment of this Act that includes rec-

1 ommendations on the national priorities for clinical and
2 community-based prevention and wellness activities that
3 will have a positive impact in preventing illness or reduc-
4 ing healthcare costs and that considers input from stake-
5 holders: *Provided further*, That the Secretary shall provide
6 to the Committees on Appropriations of the House of Rep-
7 resentatives and the Senate a fiscal year 2009 operating
8 plan for the Prevention and Wellness Fund prior to mak-
9 ing any Federal obligations of funds provided under this
10 heading in fiscal year 2009 (excluding funds to carry out
11 the section 317 immunization program), but not later than
12 90 days after the date of enactment of this Act, and a
13 fiscal year 2010 operating plan for the Prevention and
14 Wellness Fund prior to making any Federal obligations
15 of funds provided under this heading in fiscal year 2010
16 (excluding funds to carry out the section 317 immuniza-
17 tion program), but not later than November 1, 2009, that
18 indicate the prevention priorities to be addressed; provide
19 measurable goals for each prevention priority; detail the
20 allocation of resources within the Department of Health
21 and Human Services; and identify which programs or ac-
22 tivities are supported, including descriptions of any new
23 programs or activities: *Provided further*, That the Sec-
24 retary shall provide to the Committees on Appropriations
25 of the House of Representatives and the Senate a report

1 on the actual obligations, expenditures, and unobligated
2 balances for each activity funded under this heading not
3 later than November 1, 2009 and every 6 months there-
4 after as long as funding provided under this heading is
5 available for obligation or expenditure.

6 GENERAL PROVISIONS, THIS SUBTITLE

7 **SEC. 9201. FEDERAL COORDINATING COUNCIL FOR COM-**
8 **PARATIVE EFFECTIVENESS RESEARCH.**

9 (a) ESTABLISHMENT.—There is hereby established a
10 Federal Coordinating Council for Comparative Effective-
11 ness Research (in this section referred to as the “Coun-
12 cil”).

13 (b) PURPOSE; DUTIES.—The Council shall—

14 (1) assist the offices and agencies of the Fed-
15 eral Government, including the Departments of
16 Health and Human Services, Veterans Affairs, and
17 Defense, and other Federal departments or agencies,
18 to coordinate the conduct or support of comparative
19 effectiveness and related health services research;
20 and

21 (2) advise the President and Congress on—

22 (A) strategies with respect to the infra-
23 structure needs of comparative effectiveness re-
24 search within the Federal Government;

1 (B) appropriate organizational expendi-
2 tures for comparative effectiveness research by
3 relevant Federal departments and agencies; and

4 (C) opportunities to assure optimum co-
5 ordination of comparative effectiveness and re-
6 lated health services research conducted or sup-
7 ported by relevant Federal departments and
8 agencies, with the goal of reducing duplicative
9 efforts and encouraging coordinated and com-
10 plementary use of resources.

11 (c) MEMBERSHIP.—

12 (1) NUMBER AND APPOINTMENT.—The Council
13 shall be composed of not more than 15 members, all
14 of whom are senior Federal officers or employees
15 with responsibility for health-related programs, ap-
16 pointed by the President, acting through the Sec-
17 retary of Health and Human Services (in this sec-
18 tion referred to as the “Secretary”). Members shall
19 first be appointed to the Council not later than 30
20 days after the date of the enactment of this Act.

21 (2) MEMBERS.—

22 (A) IN GENERAL.—The members of the
23 Council shall include one senior officer or em-
24 ployee from each of the following agencies:

1 (i) The Agency for Healthcare Re-
2 search and Quality.

3 (ii) The Centers for Medicare and
4 Medicaid Services.

5 (iii) The National Institutes of
6 Health.

7 (iv) The Office of the National Coor-
8 dinator for Health Information Tech-
9 nology.

10 (v) The Food and Drug Administra-
11 tion.

12 (vi) The Veterans Health Administra-
13 tion within the Department of Veterans
14 Affairs.

15 (vii) The office within the Department
16 of Defense responsible for management of
17 the Department of Defense Military
18 Health Care System.

19 (B) QUALIFICATIONS.—At least half of the
20 members of the Council shall be physicians or
21 other experts with clinical expertise.

22 (3) CHAIRMAN; VICE CHAIRMAN.—The Sec-
23 retary shall serve as Chairman of the Council and
24 shall designate a member to serve as Vice Chairman.

25 (d) REPORTS.—

1 (1) INITIAL REPORT.—Not later than June 30,
2 2009, the Council shall submit to the President and
3 the Congress a report containing information de-
4 scribing Federal activities on comparative effective-
5 ness research and recommendations for additional
6 investments in such research conducted or supported
7 from funds made available for allotment by the Sec-
8 retary for comparative effectiveness research in this
9 Act.

10 (2) ANNUAL REPORT.—The Council shall sub-
11 mit to the President and Congress an annual report
12 regarding its activities and recommendations con-
13 cerning the infrastructure needs, appropriate organi-
14 zational expenditures and opportunities for better
15 coordination of comparative effectiveness research by
16 relevant Federal departments and agencies.

17 (e) STAFFING; SUPPORT.—From funds made avail-
18 able for allotment by the Secretary for comparative effec-
19 tiveness research in this Act, the Secretary shall make
20 available not more than 1 percent to the Council for staff
21 and administrative support.

22 **SEC. 9202. INVESTMENT IN HEALTH INFORMATION TECH-**
23 **NOLOGY.**

24 (a) IN GENERAL.—The Secretary of Health and
25 Human Services shall invest in the infrastructure nec-

1 essary to allow for and promote the electronic exchange
2 and use of health information for each individual in the
3 United States consistent with the goals outlined in the
4 Strategic Plan developed by the Office of the National Co-
5 ordinator for Health Information Technology. Such invest-
6 ment shall include investment in at least the following:

7 (1) Health information technology architecture
8 that will support the nationwide electronic exchange
9 and use of health information in a secure, private,
10 and accurate manner, including connecting health
11 information exchanges, and which may include up-
12 dating and implementing the infrastructure nec-
13 essary within different agencies of the Department
14 of Health and Human Services to support the elec-
15 tronic use and exchange of health information.

16 (2) Integration of health information tech-
17 nology, including electronic medical records, into the
18 initial and ongoing training of health professionals
19 and others in the healthcare industry who would be
20 instrumental to improving the quality of healthcare
21 through the smooth and accurate electronic use and
22 exchange of health information as determined by the
23 Secretary.

24 (3) Training on and dissemination of informa-
25 tion on best practices to integrate health information

1 technology, including electronic records, into a pro-
2 vider's delivery of care, including community health
3 centers receiving assistance under section 330 of the
4 Public Health Service Act and providers partici-
5 pating in one or more of the programs under titles
6 XVIII, XIX, and XXI of the Social Security Act (re-
7 lating to Medicare, Medicaid, and the State Chil-
8 drens Health Insurance Program).

9 (4) Infrastructure and tools for the promotion
10 of telemedicine, including coordination among Fed-
11 eral agencies in the promotion of telemedicine.

12 (5) Promotion of the interoperability of clinical
13 data repositories or registries.

14 The Secretary shall implement paragraph (3) in coordina-
15 tion with State agencies administering the Medicaid pro-
16 gram and the State Children's Health Insurance Program.

17 (b) LIMITATION.—None of the funds appropriated to
18 carry out this section may be used to make significant in-
19 vestments in, or provide significant funds for, the acquisi-
20 tion of hardware or software or for the use of an electronic
21 health or medical record, or significant components there-
22 of, unless such investments or funds are for certified prod-
23 ucts that would permit the full and accurate electronic ex-
24 change and use of health information in a medical record,
25 including standards for security, privacy, and quality im-

1 improvement functions adopted by the Office of the National
2 Coordinator for Health Information Technology.

3 (c) REPORT.—The Secretary shall annually report to
4 the Committees on Energy and Commerce, on Ways and
5 Means, on Science and Technology, and on Appropriations
6 of the House of Representatives and the Committees on
7 Finance, on Health, Education, Labor, and Pensions, and
8 on Appropriations of the Senate on the uses of these funds
9 and their impact on the infrastructure for the electronic
10 exchange and use of health information.

11 **Subtitle C—Education**

12 DEPARTMENT OF EDUCATION

13 EDUCATION FOR THE DISADVANTAGED

14 For an additional amount for “Education for the Dis-
15 advantaged” to carry out title I of the Elementary and
16 Secondary Education Act of 1965 (“ESEA”),
17 \$13,000,000,000: *Provided*, That \$5,500,000,000 shall be
18 available for targeted grants under section 1125 of the
19 ESEA, of which \$2,750,000,000 shall become available on
20 July 1, 2009, and shall remain available through Sep-
21 tember 30, 2010, and \$2,750,000,000 shall become avail-
22 able on July 1, 2010, and shall remain available through
23 September 30, 2011: *Provided further*, That
24 \$5,500,000,000 shall be available for education finance in-
25 centive grants under section 1125A of the ESEA, of which

1 \$2,750,000,000 shall become available on July 1, 2009,
2 and shall remain available through September 30, 2010,
3 and \$2,750,000,000 shall become available on July 1,
4 2010, and shall remain available through September 30,
5 2011: *Provided further*, That \$2,000,000,000 shall be for
6 school improvement grants under section 1003(g) of the
7 ESEA, of which \$1,000,000,000 shall become available on
8 July 1, 2009, and shall remain available through Sep-
9 tember 30, 2010, and \$1,000,000,000 shall become avail-
10 able on July 1, 2010, and shall remain available through
11 September 30, 2011: *Provided further*, That the provisions
12 of section 1106 of this Act shall not apply to this appro-
13 priation.

14 IMPACT AID

15 For an additional amount for “Impact Aid” to carry
16 out section 8007 of title VIII of the Elementary and Sec-
17 ondary Education Act of 1965, \$100,000,000, which shall
18 remain available through September 30, 2010: *Provided*,
19 That the amount set aside from this appropriation pursu-
20 ant to section 1106 of this Act shall be 1 percent instead
21 of the percentage specified in such section.

22 SCHOOL IMPROVEMENT PROGRAMS

23 For an additional amount for “School Improvement
24 Programs” to carry out subpart 1, part D of title II of
25 the Elementary and Secondary Education Act of 1965

1 (“ESEA”), and subtitle B of title VII of the McKinney-
2 Vento Homeless Assistance Act, \$1,066,000,000: *Pro-*
3 *vided*, That \$1,000,000,000 shall be available for subpart
4 1, part D of title II of the ESEA, of which \$500,000,000
5 shall become available on July 1, 2009, and shall remain
6 available through September 30, 2010, and \$500,000,000
7 shall become available on July 1, 2010, and remain avail-
8 able through September 30, 2011: *Provided further*, That
9 the provisions of section 1106 of this Act shall not apply
10 to these funds: *Provided further*, That \$66,000,000 shall
11 be available for subtitle B of title VII of the McKinney-
12 Vento Homeless Assistance Act, of which \$33,000,000
13 shall become available on July 1, 2009, and shall remain
14 available through September 30, 2010, and \$33,000,000
15 shall become available on July 1, 2010, and remain avail-
16 able through September 30, 2011.

17 INNOVATION AND IMPROVEMENT

18 For an additional amount for “Innovation and Im-
19 provement” to carry out subpart 1, part D and subpart
20 2, part B of title V of the Elementary and Secondary Edu-
21 cation Act of 1965 (“ESEA”), \$225,000,000: *Provided*,
22 That \$200,000,000 shall be available for subpart 1, part
23 D of title V of the ESEA: *Provided further*, That these
24 funds shall be expended as directed in the fifth, sixth, and
25 seventh provisos under the heading “Innovation and Im-

1 provement” in the Department of Education Appropria-
2 tions Act, 2008: *Provided further*, That a portion of these
3 funds shall also be used for a rigorous national evaluation
4 by the Institute of Education Sciences, utilizing random-
5 ized controlled methodology to the extent feasible, that as-
6 sesses the impact of performance-based teacher and prin-
7 cipal compensation systems supported by the funds pro-
8 vided in this Act on teacher and principal recruitment and
9 retention in high-need schools and subjects: *Provided fur-*
10 *ther*, That \$25,000,000 shall be available for subpart 2,
11 part B of title V of the ESEA: *Provided further*, That the
12 amount set aside from this appropriation pursuant to sec-
13 tion 1106 of this Act shall be 1 percent instead of the
14 percentage specified in such section.

15 SPECIAL EDUCATION

16 For an additional amount for “Special Education”
17 for carrying out section 611 and part C of the Individuals
18 with Disabilities Education Act (“IDEA”),
19 \$13,600,000,000: *Provided*, That \$13,000,000,000 shall
20 be available for section 611 of the IDEA, of which
21 \$6,000,000,000 shall become available on July 1, 2009,
22 and remain available through September 30, 2010, and
23 \$7,000,000,000 shall become available on July 1, 2010,
24 and remain available through September 30, 2011: *Pro-*
25 *vided further*, That \$600,000,000 shall be available for

1 part C of the IDEA, of which \$300,000,000 shall become
2 available on July 1, 2009, and remain available through
3 September 30, 2010, and \$300,000,000 shall become
4 available on July 1, 2010, and remain available through
5 September 30, 2011: *Provided further*, That by July 1,
6 2009, the Secretary of Education shall reserve the amount
7 needed for grants under section 643(e) of the IDEA from
8 funds available for obligation on July 1, 2009, with any
9 remaining funds to be allocated in accordance with section
10 643(c) of the IDEA: *Provided further*, That by July 1,
11 2010, the Secretary shall reserve the amount needed for
12 grants under section 643(e) of the IDEA from funds avail-
13 able for obligation on July 1, 2010, with any remaining
14 funds to be allocated in accordance with section 643(c)
15 of the IDEA: *Provided further*, That if every State, as de-
16 fined by section 602(31) of the IDEA, reaches its max-
17 imum allocation under section 611(d)(3)(B)(iii) of the
18 IDEA, and there are remaining funds, such funds shall
19 be proportionally allocated to each State subject to the
20 maximum amounts contained in section 611(a)(2) of the
21 IDEA: *Provided further*, That the provisions of section
22 1106 of this Act shall not apply to this appropriation.

23 REHABILITATION SERVICES AND DISABILITY RESEARCH

24 For an additional amount for “Rehabilitation Serv-
25 ices and Disability Research” for providing grants to

1 States to carry out the Vocational Rehabilitation Services
2 program under part B of title I and parts B and C of
3 chapter 1 and chapter 2 of title VII of the Rehabilitation
4 Act of 1973, \$700,000,000: *Provided*, That \$500,000,000
5 shall be available for part B of title I of the Rehabilitation
6 Act, of which \$250,000,000 shall become available on Oc-
7 tober 1, 2009: *Provided further*, That funds provided here-
8 in shall not be considered in determining the amount re-
9 quired to be appropriated under section 100(b)(1) of the
10 Rehabilitation Act of 1973 in any fiscal year: *Provided fur-*
11 *ther*, That, notwithstanding section 7(14)(A), the Federal
12 share of the costs of vocational rehabilitation services pro-
13 vided with the funds provided herein shall be 100 percent:
14 *Provided further*, That the provisions of section 1106 of
15 this Act shall not apply to these funds: *Provided further*,
16 That \$200,000,000 shall be available for parts B and C
17 of chapter 1 and chapter 2 of title VII of the Rehabilita-
18 tion Act, of which \$100,000,000 shall become available on
19 October 1, 2009: *Provided further*, That \$34,775,000 shall
20 be for State Grants, \$114,581,000 shall be for inde-
21 pendent living centers, and \$50,644,000 shall be for serv-
22 ices for older blind individuals.

23 STUDENT FINANCIAL ASSISTANCE

24 For an additional amount for “Student Financial As-
25 sistance” to carry out subpart 1 of part A and part C

1 of title IV of the Higher Education Act of 1965 (“HEA”),
2 \$16,126,000,000, which shall remain available through
3 September 30, 2011: *Provided*, That \$15,636,000,000
4 shall be available for subpart 1 of part A of title IV of the
5 HEA: *Provided further*, That \$490,000,000 shall be avail-
6 able for part C of title IV of the HEA, of which
7 \$245,000,000 shall become available on October 1, 2009:
8 *Provided further*, That the provisions of section 1106 of
9 this Act shall not apply to this appropriation.

10 The maximum Pell Grant for which a student shall
11 be eligible during award year 2009-2010 shall be \$4,860.

12 STUDENT AID ADMINISTRATION

13 For an additional amount for “Student Aid Adminis-
14 tration” to carry out part D of title I, and subparts 1,
15 3, and 4 of part A, and parts B, C, D, and E of title
16 IV of the Higher Education Act of 1965, \$50,000,000,
17 which shall remain available through September 30, 2011:
18 *Provided*, That such amount shall also be available for an
19 independent audit of programs and activities authorized
20 under section 459A of such Act: *Provided further*, That
21 the provisions of section 1106 of this Act shall not apply
22 to this appropriation.

23 HIGHER EDUCATION

24 For an additional amount for “Higher Education” to
25 carry out part A of title II of the Higher Education Act

1 of 1965, \$100,000,000: *Provided*, That section 203(e)(1)
2 of such Act shall not apply to awards made with these
3 funds.

4 INSTITUTE OF EDUCATION SCIENCES

5 For an additional amount for Institute of Education
6 Sciences to carry out section 208 of the Educational Tech-
7 nical Assistance Act, \$250,000,000, which may be used
8 for Statewide data systems that include postsecondary and
9 workforce information, of which up to \$5,000,000 may be
10 used for State data coordinators and for awards to public
11 or private organizations or agencies to improve data co-
12 ordination: *Provided*, That the amount set aside from this
13 appropriation pursuant to section 1106 of this Act shall
14 be 1 percent instead of the percentage specified in such
15 section.

16 SCHOOL MODERNIZATION, RENOVATION, AND REPAIR

17 For carrying out section 9301 of this Act,
18 \$14,000,000,000: *Provided*, That amount available under
19 section 9301 of this Act for administration and oversight
20 shall take the place of the set-aside under section 1106
21 of this Act.

22 HIGHER EDUCATION MODERNIZATION, RENOVATION,
23 AND REPAIR

24 For carrying out section 9302 of this Act,
25 \$6,000,000,000: *Provided*, That amount available under

1 section 9302 of this Act for administration and oversight
2 shall take the place of the set-aside under section 1106
3 of this Act.

4 GENERAL PROVISIONS, THIS SUBTITLE

5 **SEC. 9301. 21ST CENTURY GREEN HIGH-PERFORMING PUB-**
6 **LIC SCHOOL FACILITIES.**

7 (a) DEFINITIONS.—In this section:

8 (1) The term “Bureau-funded school” has the
9 meaning given to such term in section 1141 of the
10 Education Amendments of 1978 (25 U.S.C. 2021).

11 (2) The term “charter school” has the meaning
12 given such term in section 5210 of the Elementary
13 and Secondary Education Act of 1965.

14 (3) The term “local educational agency”—

15 (A) has the meaning given to that term in
16 section 9101 of the Elementary and Secondary
17 Education Act of 1965, and shall also include
18 the Recovery School District of Louisiana and
19 the New Orleans Public Schools; and

20 (B) includes any public charter school that
21 constitutes a local educational agency under
22 State law.

23 (4) The term “outlying area”—

24 (A) means the United States Virgin Is-
25 lands, Guam, American Samoa, and the Com-

1 monwealth of the Northern Mariana Islands;
2 and

3 (B) includes the freely associated states of
4 the Republic of the Marshall Islands, the Fed-
5 erated States of Micronesia, and the Republic
6 of Palau.

7 (5) The term “public school facilities” includes
8 charter schools.

9 (6) The term “State” means each of the 50
10 States, the District of Columbia, and the Common-
11 wealth of Puerto Rico.

12 (7) The term “LEED Green Building Rating
13 System” means the United States Green Building
14 Council Leadership in Energy and Environmental
15 Design green building rating standard referred to as
16 the LEED Green Building Rating System.

17 (8) The term “Energy Star” means the Energy
18 Star program of the United States Department of
19 Energy and the United States Environmental Pro-
20 tection Agency.

21 (9) The term “CHPS Criteria” means the
22 green building rating program developed by the Col-
23 laborative for High Performance Schools.

1 (10) The term “Green Globes” means the
2 Green Building Initiative environmental design and
3 rating system referred to as Green Globes.

4 (b) PURPOSE.—Grants under this section shall be for
5 the purpose of modernizing, renovating, or repairing pub-
6 lic school facilities, based on their need for such improve-
7 ments, to be safe, healthy, high-performing, and up-to-
8 date technologically.

9 (c) ALLOCATION OF FUNDS.—

10 (1) RESERVATIONS.—

11 (A) IN GENERAL.—From the amount ap-
12 propriated to carry out this section, the Sec-
13 retary of Education shall reserve 1 percent of
14 such amount, consistent with the purpose de-
15 scribed in subsection (b)—

16 (i) to provide assistance to the out-
17 lying areas; and

18 (ii) for payments to the Secretary of
19 the Interior to provide assistance to Bu-
20 reau-funded schools.

21 (B) ADMINISTRATION AND OVERSIGHT.—

22 The Secretary may, in addition, reserve up to
23 \$6,000,000 of such amount for administration
24 and oversight of this section.

25 (2) ALLOCATION TO STATES.—

1 (A) STATE-BY-STATE ALLOCATION.—Of
2 the amount appropriated to carry out this sec-
3 tion, and not reserved under paragraph (1),
4 each State shall be allocated an amount in pro-
5 portion to the amount received by all local edu-
6 cational agencies in the State under part A of
7 title I of the Elementary and Secondary Edu-
8 cation Act of 1965 for fiscal year 2008 relative
9 to the total amount received by all local edu-
10 cational agencies in every State under such part
11 for such fiscal year.

12 (B) STATE ADMINISTRATION.—A State
13 may reserve up to 1 percent of its allocation
14 under subparagraph (A) to carry out its respon-
15 sibilities under this section, including—

16 (i) providing technical assistance to
17 local educational agencies;

18 (ii) developing, within 6 months of re-
19 ceiving its allocation under subparagraph
20 (A), a plan to develop a database that in-
21 cludes an inventory of public school facili-
22 ties in the State and the modernization,
23 renovation, and repair needs of, energy use
24 by, and the carbon footprint of such
25 schools; and

1 (iii) developing a school energy effi-
2 ciency quality plan.

3 (C) GRANTS TO LOCAL EDUCATIONAL
4 AGENCIES.—From the amount allocated to a
5 State under subparagraph (A), each local edu-
6 cational agency in the State that meets the re-
7 quirements of section 1112(a) of the Elemen-
8 tary and Secondary Education Act of 1965
9 shall receive an amount in proportion to the
10 amount received by such local educational agen-
11 cy under part A of title I of that Act for fiscal
12 year 2008 relative to the total amount received
13 by all local educational agencies in the State
14 under such part for such fiscal year, except that
15 no local educational agency that received funds
16 under part A of title I of that Act for such fis-
17 cal year shall receive a grant of less than
18 \$5,000.

19 (D) SPECIAL RULE.—Section 1122(e)(3)
20 of the Elementary and Secondary Education
21 Act of 1965 shall not apply to subparagraph
22 (A) or (C).

23 (3) SPECIAL RULES.—

24 (A) DISTRIBUTIONS BY SECRETARY.—The
25 Secretary of Education shall make and dis-

1 tribute the reservations and allocations de-
2 scribed in paragraphs (1) and (2) not later than
3 30 days after the date of the enactment of this
4 Act.

5 (B) DISTRIBUTIONS BY STATES.—A State
6 shall make and distribute the allocations de-
7 scribed in paragraph (2)(C) within 30 days of
8 receiving such funds from the Secretary.

9 (d) USE IT OR LOSE IT REQUIREMENTS.—

10 (1) DEADLINE FOR BINDING COMMITMENTS.—
11 Each local educational agency receiving funds under
12 this section shall enter into contracts or other bind-
13 ing commitments not later than 1 year after the
14 date of the enactment of this Act (or not later than
15 9 months after such funds are awarded, if later) to
16 make use of 50 percent of such funds, and shall
17 enter into contracts or other binding commitments
18 not later than 2 years after the date of the enact-
19 ment of this Act (or not later than 21 months after
20 such funds are awarded, if later) to make use of the
21 remaining funds. In the case of activities to be car-
22 ried out directly by a local educational agency (rath-
23 er than by contracts, subgrants, or other arrange-
24 ments with third parties), a certification by the
25 agency specifying the amounts, planned timing, and

1 purpose of such expenditures shall be deemed a
2 binding commitment for purposes of this subsection.

3 (2) REDISTRIBUTION OF UNCOMMITTED
4 FUNDS.—A State shall recover or deobligate any
5 funds not committed in accordance with paragraph
6 (1), and redistribute such funds to other local edu-
7 cational agencies eligible under this section and able
8 to make use of such funds in a timely manner (in-
9 cluding binding commitments within 120 days after
10 the reallocation).

11 (e) ALLOWABLE USES OF FUNDS.—A local edu-
12 cational agency receiving a grant under this section shall
13 use the grant for modernization, renovation, or repair of
14 public school facilities, including—

15 (1) repairing, replacing, or installing roofs, in-
16 cluding extensive, intensive or semi-intensive green
17 roofs, electrical wiring, plumbing systems, sewage
18 systems, lighting systems, or components of such
19 systems, windows, or doors, including security doors;

20 (2) repairing, replacing, or installing heating,
21 ventilation, air conditioning systems, or components
22 of such systems (including insulation), including in-
23 door air quality assessments;

24 (3) bringing public schools into compliance with
25 fire, health, and safety codes, including professional

1 installation of fire/life safety alarms, including mod-
2 ernizations, renovations, and repairs that ensure
3 that schools are prepared for emergencies, such as
4 improving building infrastructure to accommodate
5 security measures;

6 (4) modifications necessary to make public
7 school facilities accessible to comply with the Ameri-
8 cans with Disabilities Act of 1990 (42 U.S.C. 12101
9 et seq.) and section 504 of the Rehabilitation Act of
10 1973 (29 U.S.C. 794), except that such modifica-
11 tions shall not be the primary use of the grant;

12 (5) asbestos or polychlorinated biphenyls abate-
13 ment or removal from public school facilities;

14 (6) implementation of measures designed to re-
15 duce or eliminate human exposure to lead-based
16 paint hazards through methods including interim
17 controls, abatement, or a combination of each;

18 (7) implementation of measures designed to re-
19 duce or eliminate human exposure to mold or mil-
20 dew;

21 (8) upgrading or installing educational tech-
22 nology infrastructure to ensure that students have
23 access to up-to-date educational technology;

1 (9) technology activities that are carried out in
2 connection with school repair and renovation, includ-
3 ing—

4 (A) wiring;

5 (B) acquiring hardware and software;

6 (C) acquiring connectivity linkages and re-
7 sources; and

8 (D) acquiring microwave, fiber optics,
9 cable, and satellite transmission equipment;

10 (10) modernization, renovation, or repair of
11 science and engineering laboratory facilities, librar-
12 ies, and career and technical education facilities, in-
13 cluding those related to energy efficiency and renew-
14 able energy, and improvements to building infra-
15 structure to accommodate bicycle and pedestrian ac-
16 cess;

17 (11) renewable energy generation and heating
18 systems, including solar, photovoltaic, wind, geo-
19 thermal, or biomass, including wood pellet, systems
20 or components of such systems;

21 (12) other modernization, renovation, or repair
22 of public school facilities to—

23 (A) improve teachers' ability to teach and
24 students' ability to learn;

1 (B) ensure the health and safety of stu-
2 dents and staff;

3 (C) make them more energy efficient; or

4 (D) reduce class size; and

5 (13) required environmental remediation related
6 to public school modernization, renovation, or repair
7 described in paragraphs (1) through (12).

8 (f) IMPERMISSIBLE USES OF FUNDS.—No funds re-
9 ceived under this section may be used for—

10 (1) payment of maintenance costs; or

11 (2) stadiums or other facilities primarily used
12 for athletic contests or exhibitions or other events
13 for which admission is charged to the general public.

14 (g) SUPPLEMENT, NOT SUPPLANT.—A local edu-
15 cational agency receiving a grant under this section shall
16 use such Federal funds only to supplement and not sup-
17 plant the amount of funds that would, in the absence of
18 such Federal funds, be available for modernization, ren-
19 ovation, or repair of public school facilities.

20 (h) PROHIBITION REGARDING STATE AID.—A State
21 shall not take into consideration payments under this sec-
22 tion in determining the eligibility of any local educational
23 agency in that State for State aid, or the amount of State
24 aid, with respect to free public education of children.

1 (i) SPECIAL RULE ON CONTRACTING.—Each local
2 educational agency receiving a grant under this section
3 shall ensure that, if the agency carries out modernization,
4 renovation, or repair through a contract, the process for
5 any such contract ensures the maximum number of quali-
6 fied bidders, including local, small, minority, and women-
7 and veteran-owned businesses, through full and open com-
8 petition.

9 (j) SPECIAL RULE ON USE OF IRON AND STEEL
10 PRODUCED IN THE UNITED STATES.—

11 (1) IN GENERAL.—A local educational agency
12 shall not obligate or expend funds received under
13 this section for a project for the modernization, ren-
14 ovation, or repair of a public school facility unless all
15 of the iron and steel used in such project is pro-
16 duced in the United States.

17 (2) EXCEPTIONS.—The provisions of paragraph
18 (1) shall not apply in any case in which the local
19 educational agency finds that—

20 (A) their application would be inconsistent
21 with the public interest;

22 (B) iron and steel are not produced in the
23 United States in sufficient and reasonably
24 available quantities and of a satisfactory qual-
25 ity; or

1 (C) inclusion of iron and steel produced in
2 the United States will increase the cost of the
3 overall project contract by more than 25 per-
4 cent.

5 (k) APPLICATION OF GEPA.—The grant program
6 under this section is an applicable program (as that term
7 is defined in section 400 of the General Education Provi-
8 sions Act (20 U.S.C. 1221)) subject to section 439 of such
9 Act (20 U.S.C. 1232b).

10 (l) CHARTER SCHOOLS.—A local educational agency
11 receiving an allocation under this section shall use an equi-
12 table portion of that allocation for allowable activities ben-
13 efitting charter schools within its jurisdiction, as deter-
14 mined based on the percentage of students from low-in-
15 come families in the schools of the agency who are enrolled
16 in charter schools and on the needs of those schools as
17 determined by the agency.

18 (m) GREEN SCHOOLS.—

19 (1) IN GENERAL.—A local educational agency
20 shall use not less than 25 percent of the funds re-
21 ceived under this section for public school mod-
22 ernization, renovation, or repairs that are certified,
23 verified, or consistent with any applicable provisions
24 of—

1 (A) the LEED Green Building Rating Sys-
2 tem;

3 (B) Energy Star;

4 (C) the CHPS Criteria;

5 (D) Green Globes; or

6 (E) an equivalent program adopted by the
7 State or another jurisdiction with authority over
8 the local educational agency.

9 (2) TECHNICAL ASSISTANCE.—The Secretary,
10 in consultation with the Secretary of Energy and the
11 Administrator of the Environmental Protection
12 Agency, shall provide outreach and technical assist-
13 ance to States and school districts concerning the
14 best practices in school modernization, renovation,
15 and repair, including those related to student aca-
16 demic achievement and student and staff health, en-
17 ergy efficiency, and environmental protection.

18 (n) YOUTHBUILD PROGRAMS.—The Secretary of
19 Education, in consultation with the Secretary of Labor,
20 shall work with recipients of funds under this section to
21 promote appropriate opportunities for participants in a
22 YouthBuild program (as defined in section 173A of the
23 Workforce Investment Act of 1998 (29 U.S.C. 2918a)) to
24 gain employment experience on modernization, renovation,
25 and repair projects funded under this section.

1 (o) REPORTING.—

2 (1) REPORTS BY LOCAL EDUCATIONAL AGEN-
3 CIES.—Local educational agencies receiving a grant
4 under this section shall compile, and submit to the
5 State educational agency (which shall compile and
6 submit such reports to the Secretary), a report de-
7 scribing the projects for which such funds were used,
8 including—

9 (A) the number of public schools in the
10 agency, including the number of charter
11 schools;

12 (B) the total amount of funds received by
13 the local educational agency under this section
14 and the amount of such funds expended, includ-
15 ing the amount expended for modernization,
16 renovation, and repair of charter schools;

17 (C) the number of public schools in the
18 agency with a metro-centric locale code of 41,
19 42, or 43 as determined by the National Center
20 for Education Statistics and the percentage of
21 funds received by the agency under this section
22 that were used for projects at such schools;

23 (D) the number of public schools in the
24 agency that are eligible for schoolwide programs
25 under section 1114 of the Elementary and Sec-

1 ondary Education Act of 1965 and the percent-
2 age of funds received by the agency under this
3 section that were used for projects at such
4 schools;

5 (E) the cost of each project, which, if any,
6 of the standards described in subsection (k)(1)
7 the project met, and any demonstrable or ex-
8 pected academic, energy, or environmental ben-
9 efits as a result of the project;

10 (F) if flooring was installed, whether—

11 (i) it was low- or no-VOC (Volatile
12 Organic Compounds) flooring;

13 (ii) it was made from sustainable ma-
14 terials; and

15 (iii) use of flooring described in clause
16 (i) or (ii) was cost effective; and

17 (G) the total number and amount of con-
18 tracts awarded, and the number and amount of
19 contracts awarded to local, small, minority-
20 owned, women-owned, and veteran-owned busi-
21 nesses.

22 (2) REPORTS BY SECRETARY.—Not later than
23 December 31, 2011, the Secretary of Education
24 shall submit to the Committees on Education and
25 Labor and Appropriations of the House of Rep-

1 representatives and the Committees on Health, Edu-
2 cation, Labor, and Pensions and Appropriations of
3 the Senate a report on grants made under this sec-
4 tion, including the information described in para-
5 graph (1), the types of modernization, renovation,
6 and repair funded, and the number of students im-
7 pacted, including the number of students counted
8 under section 1113(a)(5) of the Elementary and
9 Secondary Education Act of 1965.

10 **SEC. 9302. HIGHER EDUCATION MODERNIZATION, RENOVA-**
11 **TION, AND REPAIR.**

12 (a) PURPOSE.—Grants awarded under this section
13 shall be for the purpose of modernizing, renovating, and
14 repairing institution of higher education facilities that are
15 primarily used for instruction, research, or student hous-
16 ing.

17 (b) GRANTS TO STATE HIGHER EDUCATION AGEN-
18 CIES.—

19 (1) FORMULA.—From the amounts appro-
20 priated to carry out this section, the Secretary of
21 Education shall allocate funds to State higher edu-
22 cation agencies based on the number of students at-
23 tending institutions of higher education, with the
24 State higher education agency in each State receiv-
25 ing an amount that is in proportion to the number

1 of full-time equivalent undergraduate students at-
2 tending institutions of higher education in such
3 State for the most recent fiscal year for which there
4 are data available, relative to the total number of
5 full-time equivalent undergraduate students attend-
6 ing institutions of higher education in all States for
7 such fiscal year.

8 (2) APPLICATION.—To be eligible to receive an
9 allocation from the Secretary under paragraph (1),
10 a State higher education agency shall submit an ap-
11 plication to the Secretary at such time and in such
12 manner as the Secretary may reasonably require.

13 (3) REALLOCATION.—Amounts allocated to a
14 State higher education agency under this section
15 that are not obligated by such agency within 6
16 months of the date the agency receives such
17 amounts shall be returned to the Secretary, and the
18 Secretary shall reallocate such amounts to State
19 higher education agencies in other States on the
20 same basis as the original allocations under para-
21 graph (1)(B).

22 (4) ADMINISTRATION AND OVERSIGHT EX-
23 PENSES.—From the amounts appropriated to carry
24 out this section, not more than \$6,000,000 shall be
25 available to the Secretary for administrative and

1 oversight expenses related to carrying out this sec-
2 tion.

3 (c) USE OF GRANTS BY STATE HIGHER EDUCATION
4 AGENCIES.—

5 (1) SUBGRANTS TO INSTITUTIONS OF HIGHER
6 EDUCATION.—

7 (A) IN GENERAL.—Except as provided in
8 paragraph (2), each State higher education
9 agency receiving an allocation under subsection
10 (b)(1) shall use the amount allocated to award
11 subgrants to institutions of higher education
12 within the State to carry out projects in accord-
13 ance with subsection (d)(1).

14 (B) SUBGRANT AWARD ALLOCATION.—A
15 State higher education agency shall award sub-
16 grants to institutions of higher education under
17 this section based on the demonstrated need of
18 each institution for facility modernization, ren-
19 ovation, and repair.

20 (C) PRIORITY CONSIDERATIONS.—In
21 awarding subgrants under this section, each
22 State higher education agency shall give pri-
23 ority consideration to institutions of higher edu-
24 cation with any of the following characteristics:

1 (i) The institution is eligible for Fed-
2 eral assistance under title III or title V of
3 the Higher Education Act of 1965.

4 (ii) The institution was impacted by a
5 major disaster or emergency declared by
6 the President (as defined in section 102(2)
7 of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C.
9 5122(2))), including an institution affected
10 by a Gulf hurricane disaster, as such term
11 is defined in section 824(g)(1) of the High-
12 er Education Act of 1965 (20 U.S.C.
13 11611–3(g)(1)).

14 (iii) The institution demonstrates that
15 the proposed project or projects to be car-
16 ried out with a subgrant under this section
17 will increase the energy efficiency of the in-
18 stitution’s facilities and comply with the
19 LEED Green Building Rating System.

20 (2) ADMINISTRATIVE AND OVERSIGHT EX-
21 PENSES.—Of the allocation amount received under
22 subsection (b)(1), a State higher education agency
23 may reserve not more than 5 percent of such
24 amount, or \$500,000, whichever is less, for adminis-

1 trative and oversight expenses related to carrying
2 out this section.

3 (d) USE OF SUBGRANTS BY INSTITUTIONS OF HIGH-
4 ER EDUCATION.—

5 (1) PERMISSIBLE USES OF FUNDS.—An institu-
6 tion of higher education receiving a subgrant under
7 this section shall use such subgrant to modernize,
8 renovate, or repair facilities of the institution that
9 are primarily used for instruction, research, or stu-
10 dent housing, which may include any of the fol-
11 lowing:

12 (A) Repair, replacement, or installation of
13 roofs, electrical wiring, plumbing systems, sew-
14 age systems, or lighting systems.

15 (B) Repair, replacement, or installation of
16 heating, ventilation, or air conditioning systems
17 (including insulation).

18 (C) Compliance with fire and safety codes,
19 including—

20 (i) professional installation of fire or
21 life safety alarms; and

22 (ii) modernizations, renovations, and
23 repairs that ensure that the institution's
24 facilities are prepared for emergencies,

1 such as improving building infrastructure
2 to accommodate security measures.

3 (D) Retrofitting necessary to increase the
4 energy efficiency of the institution's facilities.

5 (E) Renovations to the institution's facili-
6 ties necessary to comply with accessibility re-
7 quirements in the Americans with Disabilities
8 Act of 1990 (42 U.S.C. 12101 et seq.) and sec-
9 tion 504 of the Rehabilitation Act of 1973 (29
10 U.S.C. 794).

11 (F) Abatement or removal of asbestos from
12 the institution's facilities.

13 (G) Modernization, renovation, and repair
14 relating to improving science and engineering
15 laboratories, libraries, and instructional facili-
16 ties.

17 (H) Upgrading or installation of edu-
18 cational technology infrastructure.

19 (I) Installation or upgrading of renewable
20 energy generation and heating systems, includ-
21 ing solar, photovoltaic, wind, biomass (including
22 wood pellet), or geothermal systems, or compo-
23 nents of such systems.

1 (J) Other modernization, renovation, or re-
2 pair projects that are primarily for instruction,
3 research, or student housing.

4 (2) GREEN SCHOOL REQUIREMENT.—An insti-
5 tution of higher education receiving a subgrant
6 under this section shall use not less than 25 percent
7 of such subgrant to carry out projects for mod-
8 ernization, renovation, or repair that are certified,
9 verified, or consistent with the applicable provisions
10 of—

11 (A) the LEED Green Building Rating Sys-
12 tem;

13 (B) Energy Star;

14 (C) the CHPS Criteria;

15 (D) Green Globes; or

16 (E) an equivalent program adopted by the
17 State or the State higher education agency.

18 (3) PROHIBITED USES OF FUNDS.—No funds
19 awarded under this section may be used for—

20 (A) the maintenance of systems, equip-
21 ment, or facilities, including maintenance asso-
22 ciated with any permissible uses of funds de-
23 scribed in paragraph (1);

24 (B) modernization, renovation, or repair of
25 stadiums or other facilities primarily used for

1 athletic contests or exhibitions or other events
2 for which admission is charged to the general
3 public;

4 (C) modernization, renovation, or repair of
5 facilities—

6 (i) used for sectarian instruction, reli-
7 gious worship, or a school or department
8 of divinity; or

9 (ii) in which a substantial portion of
10 the functions of the facilities are subsumed
11 in a religious mission; or

12 (D) construction of new facilities.

13 (4) USE IT OR LOSE IT REQUIREMENTS.—

14 (A) DEADLINE FOR BINDING COMMIT-
15 MENTS.—Each institution of higher education
16 receiving a subgrant under this section shall
17 enter into contracts or other binding commit-
18 ments not later than 1 year after the date of
19 the enactment of this Act (or not later than 9
20 months after the subgrant is awarded, if later)
21 to make use of 50 percent of the funds award-
22 ed, and shall enter into contracts or other bind-
23 ing commitments not later than 2 years after
24 the date of the enactment of this Act (or not
25 later than 21 months after the subgrant is

1 awarded, if later) to make use of the remaining
2 funds. In the case of activities to be carried out
3 directly by an institution of higher education re-
4 ceiving such a subgrant (rather than by con-
5 tracts, subgrants, or other arrangements with
6 third parties), a certification by the institution
7 specifying the amounts, planned timing, and
8 purpose of such expenditures shall be deemed a
9 binding commitment for purposes of this sec-
10 tion.

11 (B) REDISTRIBUTION OF UNCOMMITTED
12 FUNDS.—A State higher education agency shall
13 recover or deobligate any subgrant funds not
14 committed in accordance with subparagraph
15 (A), and redistribute such funds to other insti-
16 tutions of higher education that are—

17 (i) eligible for subgrants under this
18 section; and

19 (ii) able to make use of such funds in
20 a timely manner (including binding com-
21 mitments within 120 days after the re-
22 allocation).

23 (e) APPLICATION OF GEPA.—The grant program au-
24 thorized in this section is an applicable program (as that
25 term is defined in section 400 of the General Education

1 Provisions Act (20 U.S.C. 1221)) subject to section 439
2 of such Act (20 U.S.C. 1232b). The Secretary shall, not-
3 withstanding section 437 of such Act (20 U.S.C. 1232)
4 and section 553 of title 5, United States Code, establish
5 such program rules as may be necessary to implement
6 such grant program by notice in the Federal Register.

7 (f) REPORTING.—

8 (1) REPORTS BY INSTITUTIONS.—Not later
9 than September 30, 2011, each institution of higher
10 education receiving a subgrant under this section
11 shall submit to the State higher education agency
12 awarding such subgrant a report describing the
13 projects for which such subgrant was received, in-
14 cluding—

15 (A) a description of each project carried
16 out, or planned to be carried out, with such
17 subgrant, including the types of modernization,
18 renovation, and repair to be completed by each
19 such project;

20 (B) the total amount of funds received by
21 the institution under this section and the
22 amount of such funds expended, as of the date
23 of the report, on the such projects;

24 (C) the actual or planned cost of each such
25 project and any demonstrable or expected aca-

1 demic, energy, or environmental benefits result-
2 ing from such project; and

3 (D) the total number of contracts, and
4 amount of funding for such contracts, awarded
5 by the institution to carry out such projects, as
6 of the date of such report, including the num-
7 ber of contracts, and amount of funding for
8 such contracts, awarded to local, small, minor-
9 ity-owned, women-owned, and veteran-owned
10 businesses, as such terms are defined by the
11 Small Business Act.

12 (2) REPORTS BY STATES.—Not later than De-
13 cember 31, 2011, each State higher education agen-
14 cy receiving a grant under this section shall submit
15 to the Secretary a report containing a compilation of
16 all of the reports under paragraph (1) submitted to
17 the agency by institutions of higher education.

18 (3) REPORTS BY THE SECRETARY.—Not later
19 than March 31, 2012, the Secretary shall submit to
20 the Committee on Education and Labor in the
21 House of Representatives and the Committee on
22 Health, Education, Labor, and Pensions in the Sen-
23 ate and Committees on Appropriations of the House
24 of Representatives and the Senate a report on

1 grants and subgrants made under this section, in-
2 cluding the information described in paragraph (1).

3 (g) DEFINITIONS.—In this section:

4 (1) CHPS CRITERIA.—The term “CHPS Cri-
5 teria” means the green building rating program de-
6 veloped by the Collaborative for High Performance
7 Schools.

8 (2) ENERGY STAR.—The term “Energy Star”
9 means the Energy Star program of the United
10 States Department of Energy and the United States
11 Environmental Protection Agency.

12 (3) GREEN GLOBES.—The term “Green
13 Globes” means the Green Building Initiative envi-
14 ronmental design and rating system referred to as
15 Green Globes.

16 (4) INSTITUTION OF HIGHER EDUCATION.—The
17 term “institution of higher education” has the
18 meaning given such term in section 101 of the High-
19 er Education Act of 1965.

20 (5) LEED GREEN BUILDING RATING SYS-
21 TEM.—The term “LEED Green Building Rating
22 System” means the United States Green Building
23 Council Leadership in Energy and Environmental
24 Design green building rating standard referred to as
25 the LEED Green Building Rating System.

1 (6) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (7) STATE.—The term “State” has the mean-
4 ing given such term in section 103 of the Higher
5 Education Act of 1965 (20 U.S.C. 1003).

6 (8) STATE HIGHER EDUCATION AGENCY.—The
7 term “State higher education agency” has the mean-
8 ing given such term in section 103 of the Higher
9 Education Act of 1965 (20 U.S.C. 1003).

10 **SEC. 9303. MANDATORY PELL GRANTS.**

11 Section 401(b)(9)(A) of the Higher Education Act of
12 1965 (20 U.S.C. 1070a(b)(9)(A)) is amended—

13 (1) in clause (ii), by striking “\$2,090,000,000”
14 and inserting “\$2,733,000,000”; and

15 (2) in clause (iii), by striking “\$3,030,000,000”
16 and inserting “\$3,861,000,000”.

17 **SEC. 9304. INCREASE STUDENT LOAN LIMITS.**

18 (a) AMENDMENTS.—Section 428H(d) of the Higher
19 Education Act of 1965 (20 U.S.C. 1078-8(d)) is amend-
20 ed—

21 (1) in paragraph (3)—

22 (A) in subparagraph (A), by striking
23 “\$2,000” and inserting “\$4,000”; and

24 (B) in subparagraph (B), by striking
25 “\$31,000” and inserting “\$39,000”; and

1 (2) in paragraph (4)—

2 (A) in subparagraph (A)—

3 (i) in clause (i)(I) and clause (iii)(I),
4 by striking “\$6,000” each place it appears
5 and inserting “\$8,000”; and

6 (ii) in clause (ii)(I) and clause
7 (iii)(II), by striking “\$7,000” each place it
8 appears and inserting “\$9,000”; and

9 (B) in subparagraph (B), by striking
10 “\$57,500” and inserting “\$65,500”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 this section shall be effective for loans first disbursed on
13 or after January 1, 2009.

14 **SEC. 9305. STUDENT LENDER SPECIAL ALLOWANCE.**

15 (a) TEMPORARY CALCULATION RULE.—Section
16 438(b)(2)(I) of the Higher Education Act of 1965 (20
17 U.S.C. 1087-1(b)(2)(I)) is amended by adding at the end
18 the following new clause:

19 “(vii) TEMPORARY CALCULATION
20 RULE DURING UNSTABLE COMMERCIAL
21 PAPER MARKETS.—

22 “(I) CALCULATION BASED ON
23 LIBOR.—For the calendar quarter be-
24 ginning on October 1, 2008, and end-
25 ing on December 31, 2008, in com-

1 puting the special allowance paid pur-
2 suant to this subsection with respect
3 to loans for which the first disburse-
4 ment is made on or after January 1,
5 2000, clause (i)(I) of this subpara-
6 graph shall be applied by substituting
7 ‘the rate that is the average rate of
8 the 3-month London Inter Bank Of-
9 fered Rate (LIBOR) for United
10 States dollars in effect for each of the
11 days in such quarter as compiled and
12 released by the British Bankers Asso-
13 ciation, minus 0.13 percent,’ for ‘the
14 average of the bond equivalent rates
15 of the quotes of the 3-month commer-
16 cial paper (financial) rates in effect
17 for each of the days in such quarter
18 as reported by the Federal Reserve in
19 Publication H-15 (or its successor)
20 for such 3-month period’.

21 “(II) PARTICIPATION INTER-
22 ESTS.—Notwithstanding subclause (I)
23 of this clause, the special allowance
24 paid on any loan held by a lender that
25 has sold participation interests in

1 such loan to the Secretary shall be the
 2 rate computed under this subpara-
 3 graph without regard to subclause (I)
 4 of this clause, unless the lender agrees
 5 that the participant’s yield with re-
 6 spect to such participation interest is
 7 to be calculated in accordance with
 8 subclause (I) of this clause.”.

9 (b) CONFORMING AMENDMENTS.—Section
 10 438(b)(2)(I) of the Higher Education Act of 1965 (20
 11 U.S.C. 1087-1(b)(2)(I)) is further amended—

12 (1) in clause (i)(II), by striking “such average
 13 bond equivalent rate” and inserting “the rate deter-
 14 mined under subclause (I)”; and

15 (2) in clause (v)(III), by striking “(iv), and
 16 (vi)” and inserting “(iv), (vi), and (vii)”.

17 **Subtitle D—Related Agencies**

18 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

19 OPERATING EXPENSES

20 For an additional amount for “Operating Expenses”
 21 to carry out the Domestic Volunteer Service Act of 1973
 22 and the National and Community Service Act of 1990
 23 (“1990 Act”), \$160,000,000, which shall be used to ex-
 24 pand existing AmeriCorps grants: *Provided*, That funds
 25 made available under this heading may be used to provide

1 adjustments to awards made prior to September 30, 2010
2 in order to waive the match requirement authorized in sec-
3 tion 121(e)(4) of part I of subtitle C of the 1990 Act,
4 if the Chief Executive Officer of the Corporation for Na-
5 tional and Community Service (“CEO”) determines that
6 the grantee has reduced capacity to meet this requirement:
7 *Provided further*, That in addition to requirements identi-
8 fied herein, funds provided under this heading shall be
9 subject to the terms and conditions under which funds are
10 appropriated in fiscal year 2009: *Provided further*, That
11 the CEO shall provide the Committees on Appropriations
12 of the House of Representatives and the Senate a fiscal
13 year 2009 operating plan for the funds appropriated under
14 this heading prior to making any Federal obligations of
15 such funds in fiscal year 2009, but not later than 90 days
16 after the date of enactment of this Act, and a fiscal year
17 2010 operating plan for such funds prior to making any
18 Federal obligations of such funds in fiscal year 2010, but
19 not later than November 1, 2009, that detail the allocation
20 of resources and the increased number of volunteers sup-
21 ported by the AmeriCorps programs: *Provided further*,
22 That the CEO shall provide to the Committees on Appro-
23 priations of the House of Representatives and the Senate
24 a report on the actual obligations, expenditures, and unob-
25 ligated balances for each activity funded under this head-

1 ing not later than November 1, 2009, and every 6 months
2 thereafter as long as funding provided under this heading
3 is available for obligation or expenditure.

4 NATIONAL SERVICE TRUST

5 (INCLUDING TRANSFER OF FUNDS)

6 For an additional amount for “National Service
7 Trust” established under subtitle D of title I of the Na-
8 tional and Community Service Act of 1990 (“1990 Act”),
9 \$40,000,000, which shall remain available until expended:
10 *Provided*, That the Corporation for National and Commu-
11 nity Service may transfer additional funds from the
12 amount provided within “Operating Expenses” for grants
13 made under subtitle C of the 1990 Act to this appropria-
14 tion upon determination that such transfer is necessary
15 to support the activities of national service participants
16 and after notice is transmitted to the Committees on Ap-
17 propriations of the House of Representatives and the Sen-
18 ate: *Provided further*, That the amount appropriated for
19 or transferred to the National Service Trust may be in-
20 vested under section 145(b) of the 1990 Act without re-
21 gard to the requirement to apportion funds under 31
22 U.S.C. 1513(b).

1 SOCIAL SECURITY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Limitation on Admin-
5 istrative Expenses”, \$900,000,000, which shall be used as
6 follows:

7 (1) \$400,000,000 for the construction and asso-
8 ciated costs to establish a new National Computer
9 Center, which may include lease or purchase of real
10 property: *Provided*, That the construction plan and
11 site selection for such center shall be subject to re-
12 view and approval by the Office of Management and
13 Budget: *Provided further*, That the Committees on
14 Appropriations of the House of Representatives and
15 the Senate shall be notified 15 days in advance of
16 the lease or purchase of such site: *Provided further*,
17 That such center shall continue to be a government-
18 operated facility; and

19 (2) \$500,000,000 for processing disability and
20 retirement workloads: *Provided*, That up to
21 \$40,000,000 may be used by the Commissioner of
22 Social Security for health information technology re-
23 search and activities to facilitate the adoption of
24 electronic medical records in disability claims, in-
25 cluding the transfer of funds to “Supplemental Se-

1 security Income Program” to carry out activities
2 under section 1110 of the Social Security Act.

3 **TITLE X—MILITARY CONSTRU-**
4 **CTION AND VETERANS AF-**
5 **FAIRS**

6 DEPARTMENT OF DEFENSE

7 MILITARY CONSTRUCTION, ARMY

8 For an additional amount for “Military Construction,
9 Army”, \$920,000,000: *Provided*, That notwithstanding
10 any other provision of law, such funds may be obligated
11 and expended to carry out planning and design and mili-
12 tary construction projects in the United States not other-
13 wise authorized by law: *Provided further*, That of the
14 amount provided under this heading, \$600,000,000 shall
15 be for training and recruit troop housing, \$220,000,000
16 shall be for permanent party troop housing, and
17 \$100,000,000 shall be for child development centers: *Pro-*
18 *vided further*, That not later than 30 days after the date
19 of enactment of this Act, the Secretary of Defense shall
20 submit to the Committees on Appropriations of the House
21 of Representatives and the Senate an expenditure plan for
22 funds provided under this heading.

23 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

24 For an additional amount for “Military Construction,
25 Navy and Marine Corps”, \$350,000,000: *Provided*, That

1 notwithstanding any other provision of law, such funds
2 may be obligated and expended to carry out planning and
3 design and military construction projects in the United
4 States not otherwise authorized by law: *Provided further*,
5 That of the amount provided under this heading,
6 \$170,000,000 shall be for sailor and marine housing and
7 \$180,000,000 shall be for child development centers: *Pro-*
8 *vided further*, That not later than 30 days after the date
9 of enactment of this Act, the Secretary of Defense shall
10 submit to the Committees on Appropriations of the House
11 of Representatives and the Senate an expenditure plan for
12 funds provided under this heading.

13 MILITARY CONSTRUCTION, AIR FORCE

14 For an additional amount for “Military Construction,
15 Air Force”, \$280,000,000: *Provided*, That notwith-
16 standing any other provision of law, such funds may be
17 obligated and expended to carry out planning and design
18 and military construction projects in the United States not
19 otherwise authorized by law: *Provided further*, That of the
20 amount provided under this heading, \$200,000,000 shall
21 be for airmen housing and \$80,000,000 shall be for child
22 development centers: *Provided further*, That not later than
23 30 days after the date of enactment of this Act, the Sec-
24 retary of Defense shall submit to the Committees on Ap-
25 propriations of the House of Representatives and the Sen-

1 ate an expenditure plan for funds provided under this
2 heading.

3 MILITARY CONSTRUCTION, DEFENSE-WIDE

4 For an additional amount for “Military Construction,
5 Defense-Wide”, \$3,750,000,000, for the construction of
6 hospitals and ambulatory surgery centers: *Provided*, That
7 notwithstanding any other provision of law, such funds
8 may be obligated and expended to carry out planning and
9 design and military construction projects in the United
10 States not otherwise authorized by law: *Provided further*,
11 That not later than 30 days after the date of enactment
12 of this Act, the Secretary of Defense shall submit to the
13 Committees on Appropriations of the House of Represent-
14 atives and the Senate an expenditure plan for funds pro-
15 vided under this heading.

16 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

17 For an additional amount for “Military Construction,
18 Army National Guard”, \$140,000,000: *Provided*, That
19 notwithstanding any other provision of law, such funds
20 may be obligated and expended to carry out planning and
21 design and military construction projects in the United
22 States not otherwise authorized by law: *Provided further*,
23 That not later than 30 days after the date of enactment
24 of this Act, the Secretary of Defense shall submit to the
25 Committees on Appropriations of the House of Represent-

1 atives and the Senate an expenditure plan for funds pro-
2 vided under this heading.

3 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

4 For an additional amount for “Military Construction,
5 Air National Guard”, \$70,000,000: *Provided*, That not-
6 withstanding any other provision of law, such funds may
7 be obligated and expended to carry out planning and de-
8 sign and military construction projects in the United
9 States not otherwise authorized by law: *Provided further*,
10 That not later than 30 days after the date of enactment
11 of this Act, the Secretary of Defense shall submit to the
12 Committees on Appropriations of the House of Represent-
13 atives and the Senate an expenditure plan for funds pro-
14 vided under this heading.

15 MILITARY CONSTRUCTION, ARMY RESERVE

16 For an additional amount for “Military Construction,
17 Army Reserve”, \$100,000,000: *Provided*, That notwith-
18 standing any other provision of law, such funds may be
19 obligated and expended to carry out planning and design
20 and military construction projects in the United States not
21 otherwise authorized by law: *Provided further*, That not
22 later than 30 days after the date of enactment of this Act,
23 the Secretary of Defense shall submit to the Committees
24 on Appropriations of the House of Representatives and the

1 Senate an expenditure plan for funds provided under this
2 heading.

3 MILITARY CONSTRUCTION, NAVY RESERVE

4 For an additional amount for “Military Construction,
5 Navy Reserve”, \$30,000,000: *Provided*, That notwith-
6 standing any other provision of law, such funds may be
7 obligated and expended to carry out planning and design
8 and military construction projects in the United States not
9 otherwise authorized by law: *Provided further*, That not
10 later than 30 days after the date of enactment of this Act,
11 the Secretary of Defense shall submit to the Committees
12 on Appropriations of the House of Representatives and the
13 Senate an expenditure plan for funds provided under this
14 heading.

15 MILITARY CONSTRUCTION, AIR FORCE RESERVE

16 For an additional amount for “Military Construction,
17 Air Force Reserve”, \$60,000,000: *Provided*, That notwith-
18 standing any other provision of law, such funds may be
19 obligated and expended to carry out planning and design
20 and military construction projects in the United States not
21 otherwise authorized by law: *Provided further*, That not
22 later than 30 days after the date of enactment of this Act,
23 the Secretary of Defense shall submit to the Committees
24 on Appropriations of the House of Representatives and the

1 Senate an expenditure plan for funds provided under this
2 heading.

3 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

4 1990

5 For an additional amount to be deposited into the
6 Department of Defense Base Closure Account 1990, es-
7 tablished by section 2906(a)(1) of the Defense Base Clo-
8 sure and Realignment Act of 1990 (10 U.S.C. 2687 note),
9 \$300,000,000: *Provided*, That not later than 30 days after
10 the date of enactment of this Act, the Secretary of Defense
11 shall submit to the Committees on Appropriations of the
12 House of Representatives and the Senate an expenditure
13 plan for funds provided under this heading.

14 DEPARTMENT OF VETERANS AFFAIRS

15 VETERANS HEALTH ADMINISTRATION

16 MEDICAL FACILITIES

17 For an additional amount for “Medical Facilities” for
18 non-recurring maintenance, including energy projects,
19 \$950,000,000: *Provided*, That not later than 30 days after
20 the date of enactment of this Act, the Secretary of Vet-
21 erans Affairs shall submit to the Committees on Appro-
22 priations of the House of Representatives and the Senate
23 an expenditure plan for funds provided under this head-
24 ing.

1 NATIONAL CEMETERY ADMINISTRATION

2 For an additional amount for “National Cemetery
3 Administration” for monument and memorial repairs,
4 \$50,000,000: *Provided*, That not later than 30 days after
5 the date of enactment of this Act, the Secretary of Vet-
6 erans Affairs shall submit to the Committees on Appro-
7 priations of the House of Representatives and the Senate
8 an expenditure plan for funds provided under this head-
9 ing.

10 **TITLE XI—DEPARTMENT OF**
11 **STATE**

12 DEPARTMENT OF STATE

13 ADMINISTRATION OF FOREIGN AFFAIRS

14 CAPITAL INVESTMENT FUND

15 For an additional amount for “Capital Investment
16 Fund”, \$276,000,000, of which up to \$120,000,000 shall
17 be available for the design and construction of a backup
18 information management facility in the United States to
19 support mission-critical operations and projects, and up
20 to \$98,527,000 shall be available to carry out the Depart-
21 ment of State’s responsibilities under the Comprehensive
22 National Cybersecurity Initiative: *Provided*, That the Sec-
23 retary of State shall submit to the Committees on Appro-
24 priations of the House of Representatives and the Senate

1 within 90 days of enactment of this Act a detailed spend-
2 ing plan for funds appropriated under this heading.

3 INTERNATIONAL COMMISSIONS

4 INTERNATIONAL BOUNDARY AND WATER COMMISSION,

5 UNITED STATES AND MEXICO

6 CONSTRUCTION

7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Construction” for the
9 water quantity program to meet immediate repair and re-
10 habilitation requirements, \$224,000,000: *Provided*, That
11 up to \$2,000,000 may be transferred to, and merged with,
12 funds available under the heading “International Bound-
13 ary and Water Commission, United States and Mexico—
14 Salaries and Expenses”, and such amount shall be in lieu
15 of amounts available under section 1106 of this Act: *Pro-*
16 *vided*, That the Secretary of State shall submit to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate within 90 days of enactment of this
19 Act a detailed spending plan for funds appropriated under
20 this heading.

1 **TITLE XII—TRANSPORTATION,**
2 **AND HOUSING AND URBAN**
3 **DEVELOPMENT**

4 DEPARTMENT OF TRANSPORTATION

5 FEDERAL AVIATION ADMINISTRATION

6 GRANTS-IN-AID FOR AIRPORTS

7 For an additional amount for “Grants-in-Aid for Air-
8 ports”, to enable the Secretary of Transportation to make
9 grants for discretionary projects as authorized by sub-
10 chapter I of chapter 471 and subchapter I of chapter 475
11 of title 49, United States Code, \$3,000,000,000: *Provided*,
12 That such funds shall not be subject to apportionment for-
13 mulas, special apportionment categories, or minimum per-
14 centages under chapter 471: *Provided further*, That the
15 conditions, certifications, and assurances required for
16 grants under subchapter I of chapter 471 of such title
17 apply: *Provided further*, That for purposes of applying sec-
18 tion 1104 of this Act to this appropriation, the deadline
19 for grantees to enter into contracts or other binding com-
20 mitments to make use of not less than 50 percent of the
21 funds awarded shall be 120 days after award of the grant.

22 FEDERAL HIGHWAY ADMINISTRATION

23 HIGHWAY INFRASTRUCTURE INVESTMENT

24 For projects and activities eligible under section 133
25 of title 23, United States Code, section 144 of such title

1 (without regard to subsection (g)), and sections 103, 119,
2 134, 148, and 149 of such title, \$30,000,000,000, of
3 which \$300,000,000 shall be for Indian reservation roads
4 under section 204 of such title; \$250,000,000 shall be for
5 park roads and parkways under section 204 of such title;
6 \$20,000,000 shall be for highway surface transportation
7 and technology training under section 140(b) of such title;
8 and \$20,000,000 shall be for disadvantaged business en-
9 terprises bonding assistance under section 332(e) of title
10 49, United States Code: *Provided*, That the amount set
11 aside from this appropriation pursuant to section 1106 of
12 this Act shall not be more than 0.2 percent of the funds
13 made available under this heading instead of the percent-
14 age specified in such section: *Provided further*, That, after
15 making the set-asides authorized by the previous provisos,
16 the funds made available under this heading shall be dis-
17 tributed among the States, and Puerto Rico, American
18 Samoa, Guam, the Virgin Islands, and the Commonwealth
19 of the Northern Mariana Islands, in the same ratio as the
20 obligation limitation for fiscal year 2008 was distributed
21 among the States in accordance with the formula specified
22 in section 120(a)(6) of division K of Public Law 110–161,
23 but, in the case of the Puerto Rico Highway Program and
24 the Territorial Highway Program, under section 120(a)(5)
25 of such division: *Provided further*, That 45 percent of the

1 funds distributed to a State under this heading shall be
2 suballocated within the State in the manner and for the
3 purposes described in section 133(d) of title 23, United
4 States Code, (without regard to the comparison to fiscal
5 year 2005 in paragraph (2)): *Provided further*, That in
6 selecting projects to be funded, recipients shall give pri-
7 ority to projects that can award contracts within 120 days
8 of enactment of this Act, are included in an approved
9 Statewide Transportation Improvement Program (STIP)
10 and/or Metropolitan Transportation Improvement Pro-
11 gram (TIP), are projected for completion within a three-
12 year time frame, and are located in economically dis-
13 tressed areas as defined by section 301 of the Public
14 Works and Economic Development Act of 1965, as
15 amended (42 U.S.C. 3161): *Provided further*, That funds
16 made available under this heading shall be administered
17 as if apportioned under chapter 1 of title 23, United
18 States Code, except for funds made available for Indian
19 reservation roads and park roads and parkways which
20 shall be administered in accordance with chapter 2 of title
21 23, United States Code: *Provided further*, That the Fed-
22 eral share payable on account of any project or activity
23 carried out with funds made available under this heading
24 shall, at the option of the recipient, be up to 100 percent
25 of the total cost thereof: *Provided further*, That funds

1 made available by this Act shall not be obligated for the
2 purposes authorized under section 115(b) of title 23,
3 United States Code: *Provided further*, That the provisions
4 of section 1101(b) of Public Law 109–59 shall apply to
5 funds made available under this heading: *Provided further*,
6 That, in lieu of the redistribution required by section
7 1104(b) of this Act, if less than 50 percent of the funds
8 made available to each State and territory under this
9 heading are obligated within 180 days after the date of
10 distribution of those funds to the States and territories,
11 then the portion of the 50 percent of the total funding
12 distributed to the State or territory that has not been obli-
13 gated shall be redistributed, in the manner described in
14 section 120(c) of division K of Public Law 110–161, to
15 those States and territories that have obligated at least
16 50 percent of the funds made available under this heading
17 and are able to obligate amounts in addition to those pre-
18 viously distributed, except that, for those funds suballo-
19 cated within the State, if less than 50 percent of the funds
20 so suballocated within the State are obligated within 150
21 days of suballocation, then the portion of the 50 percent
22 of funding so suballocated that has not been obligated will
23 be returned to the State for use anywhere in the State
24 prior to being redistributed in accordance with the first
25 part of this proviso: *Provided further*, That, in lieu of the

1 redistribution required by section 1104(b) of this Act, any
2 funds made available under this heading that are not obli-
3 gated by August 1, 2010, shall be redistributed, in the
4 manner described in section 120(c) of division K of Public
5 Law 110–161, to those States able to obligate amounts
6 in addition to those previously distributed, except that
7 funds suballocated within the State that are not obligated
8 by June 1, 2010, will be returned to the State for use
9 anywhere in the State prior to being redistributed in ac-
10 cordance with the first part of this proviso: *Provided fur-*
11 *ther*, That notwithstanding section 1103 of this Act, funds
12 made available under this heading shall be apportioned not
13 later than 7 days after the date of enactment of this Act.

14 FEDERAL RAILROAD ADMINISTRATION

15 CAPITAL ASSISTANCE FOR INTERCITY PASSENGER RAIL

16 SERVICE

17 For an additional amount for “Capital Assistance for
18 Intercity Passenger Rail Service” to enable the Secretary
19 of Transportation to make grants for capital costs as au-
20 thorized by chapter 244 of title 49 United States Code,
21 \$300,000,000: *Provided*, That notwithstanding section
22 1103 of this Act, the Secretary shall give preference to
23 projects for the repair, rehabilitation, upgrade, or pur-
24 chase of railroad assets or infrastructure that can be
25 awarded within 180 days of enactment of this Act: *Pro-*

1 *vided further*, That in awarding grants for the acquisition
2 of a piece of rolling stock or locomotive, the Secretary shall
3 give preference to FRA-compliant rolling stock and loco-
4 motives: *Provided further*, That the Secretary shall give
5 preference to projects that support the development of
6 intercity high speed rail service: *Provided further*, That the
7 Federal share shall be, at the option of the recipient, up
8 to 100 percent.

9 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
10 RAILROAD PASSENGER CORPORATION

11 For an additional amount for “Capital and Debt
12 Service Grants to the National Railroad Passenger Cor-
13 poration” (Amtrak) to enable the Secretary of Transpor-
14 tation to make capital grants to Amtrak as authorized by
15 section 101(c) of the Passenger Rail Investment and Im-
16 provement Act of 2008 (Public Law 110–432),
17 \$800,000,000: *Provided*, That priority shall be given to
18 projects for the repair, rehabilitation, or upgrade of rail-
19 road assets or infrastructure: *Provided further*, That none
20 of the funds under this heading shall be used to subsidize
21 the operating losses of Amtrak: *Provided further*, Notwith-
22 standing section 1103 of this Act, funds made available
23 under this heading shall be awarded not later than 7 days
24 after the date of enactment of this Act.

1 FEDERAL TRANSIT ADMINISTRATION
2 TRANSIT CAPITAL ASSISTANCE

3 For transit capital assistance grants,
4 \$6,000,000,000, of which \$5,400,000,000 shall be for
5 grants under section 5307 of title 49, United States Code
6 and shall be apportioned in accordance with section 5336
7 of such title (other than subsections (i)(1) and (j)) but
8 may not be combined or commingled with any other funds
9 apportioned under such section 5336, and of which
10 \$600,000,000 shall be for grants under section 5311 of
11 such title and shall be apportioned in accordance with such
12 section 5311 but may not be combined or commingled with
13 any other funds apportioned under that section: *Provided*,
14 That of the funds provided for section 5311 under this
15 heading, 3 percent shall be made available for section
16 5311(c)(1): *Provided further*, That applicable chapter 53
17 requirements shall apply except that the Federal share of
18 the costs for which a grant is made under this heading
19 shall be, at the option of the recipient, up to 100 percent:
20 *Provided further*, In lieu of the requirements of section
21 1103 of this Act, funds made available under this heading
22 shall be apportioned not later than 7 days after the date
23 of enactment of this Act: *Provided further*, That for pur-
24 poses of applying section 1104 of this Act to this appro-
25 priation, the deadline for grantees to enter into obligations

1 to make use of not less than 50 percent of the funds
2 awarded shall be 180 days after apportionment: *Provided*
3 *further*, That the provisions of section 1101(b) of Public
4 Law 109–59 shall apply to funds made available under
5 this heading: *Provided further*, That notwithstanding any
6 other provision of law, of the funds apportioned in accord-
7 ance with section 5336, up to three-quarters of 1 percent
8 shall be available for administrative expenses and program
9 management oversight and of the funds apportioned in ac-
10 cordance with section 5311, up to one-half of 1 percent
11 shall be available for administrative expenses and program
12 management oversight and both amounts shall remain
13 available for obligation until September 30, 2012: *Pro-*
14 *vided further*, That the preceding proviso shall apply in
15 lieu of the provisions in section 1106 of this Act.

16 FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT

17 For an amount for capital expenditures authorized
18 under section 5309(b)(2) of title 49, United States Code,
19 \$2,000,000,000: *Provided*, That the Secretary of Trans-
20 portation shall apportion funds under this heading pursu-
21 ant to the formula set forth in section 5337 of title 49,
22 United States Code: *Provided further*, That the funds ap-
23 propriated under this heading shall not be commingled
24 with funds available under the Formula and Bus Grants
25 account: *Provided further*, In lieu of the requirements of

1 section 1103 of this Act, funds made available under this
2 heading shall be apportioned not later than 7 days after
3 the date of enactment of this Act: *Provided further*, That
4 for purposes of applying section 1104 of this Act to this
5 appropriation, the deadline for grantees to enter into obli-
6 gations to make use of not less than 50 percent of the
7 funds awarded shall be 180 days after apportionment:
8 *Provided further*, That applicable chapter 53 requirements
9 shall apply except that the Federal share of the costs for
10 which a grant is made under this heading shall be, at the
11 option of the recipient, up to 100 percent: *Provided fur-*
12 *ther*, That the provisions of section 1101(b) of Public Law
13 109–59 shall apply to funds made available under this
14 heading: *Provided further*, That notwithstanding any other
15 provision of law, up to 1 percent of the funds under this
16 heading shall be available for administrative expenses and
17 program management oversight and shall remain available
18 for obligation until September 30, 2012: *Provided further*,
19 That the preceding proviso shall apply in lieu of the provi-
20 sions in section 1106 of this Act.

21 CAPITAL INVESTMENT GRANTS

22 For an additional amount for “Capital Investment
23 Grants”, as authorized under section 5338(c)(4) of title
24 49, United States Code, and allocated under section
25 5309(m)(2)(A) of such title, to enable the Secretary of

1 Transportation to make discretionary grants as authorized
2 by section 5309(d) and (e) of such title, \$1,000,000,000:
3 *Provided*, That such amount shall be allocated without re-
4 gard to the limitation under section 5309(m)(2)(A)(i):
5 *Provided further*, That in selecting projects to be funded,
6 priority shall be given to projects that are currently in con-
7 struction or are able to award contracts based on bids
8 within 120 days of enactment of this Act: *Provided further*,
9 That for purposes of applying section 1104 of this Act
10 to this appropriation, the deadline for grantees to enter
11 into contracts or other binding commitments to make use
12 of not less than 50 percent of the funds awarded shall
13 be 120 days after award: *Provided further*, That the provi-
14 sions of section 1101(b) of Public Law 109–59 shall apply
15 to funds made available under this heading: *Provided fur-*
16 *ther*, That applicable chapter 53 requirements shall apply,
17 except that notwithstanding any other provision of law,
18 up to 1 percent of the funds under this heading shall be
19 available for administrative expenses and program man-
20 agement oversight and shall remain available for obliga-
21 tion until September 30, 2012: *Provided further*, That the
22 preceding proviso shall apply in lieu of the provisions in
23 section 1106 of this Act.

1 DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT
3 PUBLIC AND INDIAN HOUSING
4 PUBLIC HOUSING CAPITAL FUND

5 For an additional amount for “Public Housing Cap-
6 ital Fund” to carry out capital and management activities
7 for public housing agencies, as authorized under section
8 9 of the United States Housing Act of 1937 (42 U.S.C.
9 1437g) (“the Act”), \$5,000,000,000: *Provided*, That the
10 Secretary of Housing and Urban Development shall dis-
11 tribute at least \$4,000,000,000 of this amount by the
12 same formula used for amounts made available in fiscal
13 year 2008: *Provided further*, That public housing authori-
14 ties shall give priority to capital projects that can award
15 contracts based on bids within 120 days from the date
16 the funds are made available to the public housing au-
17 thorities: *Provided further*, That public housing agencies
18 shall give priority consideration to the rehabilitation of va-
19 cant rental units: *Provided further*, That notwithstanding
20 any other provision of the Act or regulations, (1) funding
21 provided herein may not be used for Operating Fund ac-
22 tivities pursuant to section 9(g) of the Act, and (2) any
23 restriction of funding to replacement housing uses shall
24 be inapplicable: *Provided further*, That public housing
25 agencies shall prioritize capital projects underway or al-

1 ready in their 5-year plans: *Provided further*, That of the
2 amount provided under this heading, the Secretary may
3 obligate up to \$1,000,000,000, for competitive grants to
4 public housing authorities for activities including: (1) in-
5 vestments that leverage private sector funding or financ-
6 ing for housing renovations and energy conservation ret-
7 rofit investments; (2) rehabilitation of units using sustain-
8 able materials and methods that improve energy efficiency,
9 reduce energy costs, or preserve and improve units with
10 good access to public transportation or employment cen-
11 ters; (3) increase the availability of affordable rental hous-
12 ing by expediting rehabilitation projects to bring vacant
13 units into use or by filling the capital investment gap for
14 redevelopment or replacement housing projects which have
15 been approved or are otherwise ready to proceed but are
16 stalled due to the inability to obtain anticipated private
17 capital; or (4) address the needs of seniors and persons
18 with disabilities through improvements to housing and re-
19 lated facilities which attract or promote the coordinated
20 delivery of supportive services: *Provided further*, That the
21 Secretary may waive statutory or regulatory provisions re-
22 lated to the obligation and expenditure of capital funds
23 if necessary to facilitate the timely expenditure of funds
24 (except for requirements related to fair housing, non-
25 discrimination, labor standards, and the environment).

1 ELDERLY, DISABLED, AND SECTION 8 ASSISTED HOUSING
2 ENERGY RETROFIT

3 For grants or loans to owners of properties receiving
4 project-based assistance pursuant to section 202 of the
5 Housing Act of 1959 (12 U.S.C. 17012), section 811 of
6 the Cranston-Gonzalez National Affordable Housing Act
7 (42 U.S.C. 8013), or section 8 of the United States Hous-
8 ing Act of 1937 (42 U.S.C. 1437f), to accomplish energy
9 retrofit investments, \$2,500,000,000: *Provided*, That such
10 loans or grants shall be provided through the Office of
11 Affordable Housing Preservation of the Department of
12 Housing and Urban Development, on such terms and con-
13 ditions as the Secretary of Housing and Urban Develop-
14 ment deems appropriate: *Provided further*, That eligible
15 owners must have at least a satisfactory management re-
16 view rating, be in substantial compliance with applicable
17 performance standards and legal requirements, and com-
18 mit to an additional period of affordability determined by
19 the Secretary: *Provided further*, That the Secretary shall
20 undertake appropriate underwriting and oversight with re-
21 spect to such transactions: *Provided further*, That the Sec-
22 retary may set aside funds made available under this
23 heading for an efficiency incentive payable upon satisfac-
24 tory completion of energy retrofit investments, and may
25 provide additional incentives if such investments resulted

1 in extraordinary job creation for low-income and very low-
2 income persons: *Provided further*, that of the funds pro-
3 vided under this heading, 1 percent shall be available only
4 for staffing, training, technical assistance, technology,
5 monitoring, research and evaluation activities.

6 NATIVE AMERICAN HOUSING BLOCK GRANTS

7 For an additional amount for “Native American
8 Housing Block Grants”, as authorized under title I of the
9 Native American Housing Assistance and Self-Determina-
10 tion Act of 1996 (“NAHASDA”) (25 U.S.C. 4111 et
11 seq.), \$500,000,000: *Provided*, That \$250,000,000 of the
12 amount appropriated under this heading shall be distrib-
13 uted according to the same funding formula used in fiscal
14 year 2008: *Provided further*, That in selecting projects to
15 be funded, recipients shall give priority to projects that
16 can award contracts based on bids within 120 days from
17 the date that funds are available to the recipients: *Pro-*
18 *vided further*, That in allocating the funds appropriated
19 under this heading, the Secretary of Housing and Urban
20 Development shall not require an additional action plan
21 from grantees: *Provided further*, That the Secretary may
22 obligate \$250,000,000 of the amount appropriated under
23 this heading for competitive grants to eligible entities that
24 apply for funds as authorized under NAHASDA: *Provided*
25 *further*, That in awarding competitive funds, the Secretary

1 shall give priority to projects that will spur construction
2 and rehabilitation and will create employment opportuni-
3 ties for low-income and unemployed persons.

4 COMMUNITY PLANNING AND DEVELOPMENT

5 COMMUNITY DEVELOPMENT FUND

6 For an additional amount for “Community Develop-
7 ment Fund” \$1,000,000,000, to carry out the community
8 development block grant program under title I of the
9 Housing and Community Development Act of 1974 (42
10 U.S.C. 5301 et seq.): *Provided*, That the amount appro-
11 priated in this paragraph shall be distributed according
12 to the same funding formula used in fiscal year 2008: *Pro-*
13 *vided further*, That in allocating the funds appropriated
14 in this paragraph, the Secretary of Housing and Urban
15 Development shall not require an additional action plan
16 from grantees: *Provided further*, That in selecting projects
17 to be funded, recipients shall give priority to projects that
18 can award contracts based on bids within 120 days from
19 the date the funds are made available to the recipients;
20 *Provided further*, That in administering funds provided in
21 this paragraph, the Secretary may waive any provision of
22 any statute or regulation that the Secretary administers
23 in connection with the obligation by the Secretary or the
24 use by the recipient of these funds (except for require-
25 ments related to fair housing, nondiscrimination, labor

1 standards, and the environment), upon a finding that such
2 waiver is required to facilitate the timely use of such funds
3 and would not be inconsistent with the overall purpose of
4 the statute.

5 For a further additional amount for “Community De-
6 velopment Fund”, \$4,190,000,000, to be used for neigh-
7 borhood stabilization activities related to emergency as-
8 sistance for the redevelopment of abandoned and fore-
9 closed homes as authorized under division B, title III of
10 the Housing and Economic Recovery Act of 2008 (Public
11 Law 110–289), of which—

12 (1) not less than \$3,440,000,000 shall be allo-
13 cated by a competition for which eligible entities
14 shall be States, units of general local government,
15 and nonprofit entities or consortia of nonprofit enti-
16 ties: *Provided*, That the award criteria for such com-
17 petition shall include grantee capacity, leveraging
18 potential, targeted impact of foreclosure prevention,
19 and any additional factors determined by the Sec-
20 retary of Housing and Urban Development: *Provided*
21 *further*, that the Secretary may establish a minimum
22 grant size: *Provided further*, That amounts made
23 available under this Section may be used to (A) es-
24 tablish financing mechanisms for purchase and rede-
25 velopment of foreclosed-upon homes and residential

1 properties, including such mechanisms as soft-sec-
2 onds, loan loss reserves, and shared-equity loans for
3 low- and moderate-income homebuyers; (B) purchase
4 and rehabilitate homes and residential properties
5 that have been abandoned or foreclosed upon, in
6 order to sell or rent such homes and properties; (C)
7 establish and operate land banks for homes that
8 have been foreclosed upon; (D) demolish foreclosed
9 properties that have become blighted structures; and
10 (E) redevelop demolished or vacant foreclosed prop-
11 erties in order to sell or rent such properties; and

12 (2) up to \$750,000,000 shall be awarded by
13 competition to nonprofit entities or consortia of non-
14 profit entities to provide community stabilization as-
15 sistance by (A) accelerating state and local govern-
16 ment and nonprofit productivity; (B) increasing the
17 scale and efficiency of property transfers of fore-
18 closed and vacant residential properties from finan-
19 cial institutions and government entities to qualified
20 local housing providers in order to return the prop-
21 erties to productive affordable housing use; (C)
22 building industry and property management capac-
23 ity; and (D) partnering with private sector real es-
24 tate developers and contractors and leveraging pri-
25 vate sector capital: *Provided further*, That such com-

1 community stabilization assistance shall be provided pri-
2 marily in States and areas with high rates of de-
3 faults and foreclosures to support the acquisition, re-
4 habilitation and property management of single-fam-
5 ily and multi-family homes and to work in partner-
6 ship with the private sector real estate industry and
7 to leverage available private and public funds for
8 those purposes: *Provided further*, That for purposes
9 of this paragraph qualified local housing providers
10 shall be nonprofit organizations with demonstrated
11 capabilities in real estate development or acquisition
12 and rehabilitation or property management of single-
13 or multi-family homes, or local or state governments
14 or instrumentalities of such governments: *Provided*
15 *further*, That qualified local housing providers shall
16 be expected to utilize and leverage additional local
17 nonprofit, governmental, for-profit and private re-
18 sources:

19 *Provided further*, That in the case of any foreclosure on
20 any dwelling or residential real property acquired with any
21 amounts made available under this heading, any successor
22 in interest in such property pursuant to the foreclosure
23 shall assume such interest subject to—(1) the provision
24 by such successor in interest of a notice to vacate to any
25 bona fide tenant at least 90 days before the effective date

1 of such notice; and (2) the rights of any bona fide tenant,
2 as of the date of such notice of foreclosure (A) under any
3 bona fide lease entered into before the notice of foreclosure
4 to occupy the premises until the end of the remaining term
5 of the lease, except that a successor in interest may termi-
6 nate a lease effective on the date of sale of the unit to
7 a purchaser who will occupy the unit as a primary resi-
8 dence, subject to the receipt by the tenant of the 90-day
9 notice under this paragraph; or (B) without a lease or with
10 a lease terminable at will under State law, subject to the
11 receipt by the tenant of the 90-day notice under this para-
12 graph, except that nothing in this paragraph shall affect
13 the requirements for termination of any Federal- or State-
14 subsidized tenancy or of any State or local law that pro-
15 vides longer time periods or other additional protections
16 for tenants: *Provided further*, That, for purposes of this
17 paragraph, a lease or tenancy shall be considered bona fide
18 only if (1) the mortgagor under the contract is not the
19 tenant; (2) the lease or tenancy was the result of an arms-
20 length transaction; and (3) the lease or tenancy requires
21 the receipt of rent that is not substantially less than fair
22 market rent for the property: *Provided further*, That the
23 recipient of any grant or loan from amounts made avail-
24 able under this heading may not refuse to lease a dwelling
25 unit in housing assisted with such loan or grant to a hold-

1 er of a voucher or certificate of eligibility under section
2 8 of the United States Housing Act of 1937 (42 U.S.C.
3 1437f) because of the status of the prospective tenant as
4 such a holder: *Provided further*, That in the case of any
5 qualified foreclosed housing for which funds made avail-
6 able under this heading are used and in which a recipient
7 of assistance under section 8(o) of the U.S. Housing Act
8 of 1937 resides at the time of acquisition or financing,
9 the owner and any successor in interest shall be subject
10 to the lease and to the housing assistance payments con-
11 tract for the occupied unit: *Provided further*, That
12 vacating the property prior to sale shall not constitute
13 good cause for termination of the tenancy unless the prop-
14 erty is unmarketable while occupied or unless the owner
15 or subsequent purchaser desires the unit for personal or
16 family use: *Provided further*, That this paragraph shall not
17 preempt any State or local law that provides more protec-
18 tion for tenants: *Provided further*, That amounts made
19 available under this heading may be used for the costs
20 of demolishing foreclosed housing that is deteriorated or
21 unsafe: *Provided further*, That the amount for demolition
22 of such housing may not exceed 10 percent of amounts
23 allocated under this paragraph to States and units of gen-
24 eral local government: *Provided further*, That no amounts
25 from a grant made under this paragraph may be used to

1 demolish any public housing (as such term is defined in
2 section 3 of the United States Housing Act of 1937 (42
3 U.S.C. 1437a)): *Provided further*, That section 2301(d)(4)
4 of the Housing and Economic Recovery Act of 2008 (Pub-
5 lic Law 110–289) is repealed.

6 HOME INVESTMENT PARTNERSHIPS PROGRAM

7 For an additional amount for “HOME Investment
8 Partnerships Program” as authorized under Title II of the
9 Cranston-Gonzalez National Affordable Housing Act (“the
10 Act”), \$1,500,000,000: *Provided*, That the amount appro-
11 priated under this heading shall be distributed according
12 to the same funding formula used in fiscal year 2008: *Pro-
13 vided further*, That the Secretary of Housing and Urban
14 Development may waive statutory or regulatory provisions
15 related to the obligation of such funds if necessary to fa-
16 cilitate the timely expenditure of funds (except for require-
17 ments related to fair housing, nondiscrimination, labor
18 standards, and the environment): *Provided further*, That
19 in selecting projects to be funded, recipients shall give pri-
20 ority to projects that can award contracts based on bids
21 within 120 days from the date that funds are available
22 to the recipients.

1 SELF-HELP AND ASSISTED HOMEOWNERSHIP
2 OPPORTUNITY PROGRAM

3 For an additional amount for “Self-Help and As-
4 sisted Homeownership Opportunity Program”, as author-
5 ized under section 11 of the Housing Opportunity Pro-
6 gram Extension Act of 1996, \$10,000,000: *Provided*, That
7 in awarding competitive grant funds, the Secretary of
8 Housing and Urban Development shall give priority to the
9 provision and rehabilitation of sustainable, affordable sin-
10 gle and multifamily units in low-income, high-need rural
11 areas: *Provided further*, That in selecting projects to be
12 funded, grantees shall give priority to projects that can
13 award contracts based on bids within 120 days from the
14 date the funds are made available to the grantee.

15 HOMELESS ASSISTANCE GRANTS

16 For an additional amount for “Homeless Assistance
17 Grants”, for the emergency shelter grants program as au-
18 thorized under subtitle B of tile IV of the McKinney-Vento
19 Homeless Assistance Act, \$1,500,000,000: *Provided*, That
20 in addition to homeless prevention activities specified in
21 the emergency shelter grant program, funds provided
22 under this heading may be used for the provision of short-
23 term or medium-term rental assistance; housing relocation
24 and stabilization services including housing search, medi-
25 ation or outreach to property owners, legal services, credit

1 repair, resolution of security or utility deposits, utility pay-
2 ments, rental assistance for a final month at a location,
3 and moving costs assistance; or other appropriate home-
4 lessness prevention activities; *Provided further*, That these
5 funds shall be allocated pursuant to the formula author-
6 ized by section 413 of such Act: *Provided further*, That
7 the Secretary of Housing and Urban Development may
8 waive statutory or regulatory provisions related to the obli-
9 gation and use of emergency shelter grant funds necessary
10 to facilitate the timely expenditure of funds.

11 OFFICE OF HEALTHY HOMES AND LEAD HAZARD

12 CONTROL

13 LEAD HAZARD REDUCTION

14 For an additional amount for “Lead Hazard Reduc-
15 tion”, for the Lead Hazard Reduction Program as author-
16 ized by section 1011 of the Residential Lead-Based Paint
17 Hazard Reduction Act of 1992, \$100,000,000: *Provided*,
18 That for purposes of environmental review, pursuant to
19 the National Environmental Policy Act of 1969 (42 U.S.C.
20 4321 et seq.) and other provisions of law that further the
21 purposes of such Act, a grant under the Healthy Homes
22 Initiative, Operation Lead Elimination Action Plan
23 (LEAP), or the Lead Technical Studies program under
24 this heading or under prior appropriations Acts for such
25 purposes under this heading, shall be considered to be

1 funds for a special project for purposes of section 305(e)
2 of the Multifamily Housing Property Disposition Reform
3 Act of 1994: *Provided further*, That of the total amount
4 made available under this heading, \$30,000,000 shall be
5 made available on a competitive basis for areas with the
6 highest lead paint abatement needs.

7 GENERAL PROVISIONS, THIS TITLE

8 **SEC. 12001. MAINTENANCE OF EFFORT AND REPORTING**
9 **REQUIREMENTS TO ENSURE TRANSPARENCY**
10 **AND ACCOUNTABILITY.**

11 (a) MAINTENANCE OF EFFORT.—Not later than 30
12 days after the date of enactment of this Act, for each
13 amount that is distributed to a State or agency thereof
14 from an appropriation in this Act for a covered program,
15 the Governor of the State shall certify that the State will
16 maintain its effort with regard to State funding for the
17 types of projects that are funded by the appropriation. As
18 part of this certification, the Governor shall submit to the
19 covered agency a statement identifying the amount of
20 funds the State planned to expend as of the date of enact-
21 ment of this Act from non-Federal sources in the period
22 beginning on the date of enactment of this Act through
23 September 30, 2010, for the types of projects that are
24 funded by the appropriation.

25 (b) PERIODIC REPORTS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law, each grant recipient shall submit to
3 the covered agency from which they received funding
4 periodic reports on the use of the funds appropriated
5 in this Act for covered programs. Such reports shall
6 be collected and compiled by the covered agency and
7 transmitted to Congress.

8 (2) CONTENTS OF REPORTS.—For amounts re-
9 ceived under each covered program by a grant re-
10 cipient under this Act, the grant recipient shall in-
11 clude in the periodic reports information tracking—

12 (A) the amount of Federal funds appro-
13 priated, allocated, obligated, and outlayed under
14 the appropriation;

15 (B) the number of projects that have been
16 put out to bid under the appropriation and the
17 amount of Federal funds associated with such
18 projects;

19 (C) the number of projects for which con-
20 tracts have been awarded under the appropria-
21 tion and the amount of Federal funds associ-
22 ated with such contracts;

23 (D) the number of projects for which work
24 has begun under such contracts and the

1 amount of Federal funds associated with such
2 contracts;

3 (E) the number of projects for which work
4 has been completed under such contracts and
5 the amount of Federal funds associated with
6 such contracts;

7 (F) the number of jobs created or sus-
8 tained by the Federal funds provided for
9 projects under the appropriation, including in-
10 formation on job sectors and pay levels; and

11 (G) for each covered program report infor-
12 mation tracking the actual aggregate expendi-
13 tures by each grant recipient from non-Federal
14 sources for projects eligible for funding under
15 the program during the period beginning on the
16 date of enactment of this Act through Sep-
17 tember 30, 2010, as compared to the level of
18 such expenditures that were planned to occur
19 during such period as of the date of enactment
20 of this Act.

21 (3) TIMING OF REPORTS.—Each grant recipient
22 shall submit the first of the periodic reports required
23 under this subsection not later than 30 days after
24 the date of enactment of this Act and shall submit
25 updated reports not later than 60 days, 120 days,

1 180 days, 1 year, and 3 years after such date of en-
2 actment.

3 (c) DEFINITIONS.—In this section, the following defi-
4 nitions apply:

5 (1) COVERED AGENCY.—The term “covered
6 agency” means the Federal Aviation Administration,
7 the Federal Highway Administration, the Federal
8 Railroad Administration, and the Federal Transit
9 Administration of the Department of Transpor-
10 tation.

11 (2) COVERED PROGRAM.—The term “covered
12 program” means funds appropriated in this Act for
13 “Grants-in-Aid for Airports” to the Federal Aviation
14 Administration; for “Highway Infrastructure Invest-
15 ment” to the Federal Highway Administration; for
16 “Capital Assistance for Intercity Passenger Rail
17 Service” to the Federal Railroad Administration; for
18 “Transit Capital Assistance”, “Fixed Guideway In-
19 frastructure Investment”, and “Capital Investment
20 Grants” to the Federal Transit Administration.

21 (3) GRANT RECIPIENT.—The term “grant re-
22 cipient” means a State or other recipient of assist-
23 ance provided under a covered program in this Act.
24 Such term does not include a Federal department or
25 agency.

1 **SEC. 12002. FHA LOAN LIMITS FOR 2009.**

2 (a) **LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—**

3 For mortgages for which the mortgagee issues credit ap-
4 proval for the borrower during calendar year 2009, if the
5 dollar amount limitation on the principal obligation of a
6 mortgage determined under section 203(b)(2) of the Na-
7 tional Housing Act (12 U.S.C. 1709(b)(2)) for any size
8 residence for any area is less than such dollar amount lim-
9 itation that was in effect for such size residence for such
10 area for 2008 pursuant to section 202 of the Economic
11 Stimulus Act of 2008 (Public Law 110-185; 122 Stat.
12 620), notwithstanding any other provision of law, the max-
13 imum dollar amount limitation on the principal obligation
14 of a mortgage for such size residence for such area for
15 purposes of such section 203(b)(2) shall be considered (ex-
16 cept for purposes of section 255(g) of such Act (12 U.S.C.
17 1715z-20(g))) to be such dollar amount limitation in ef-
18 fect for such size residence for such area for 2008.

19 (b) **DISCRETIONARY AUTHORITY FOR SUB-AREAS.—**

20 Notwithstanding any other provision of law, if the Sec-
21 retary of Housing and Urban Development determines, for
22 any geographic area that is smaller than an area for which
23 dollar amount limitations on the principal obligation of a
24 mortgage are determined under section 203(b)(2) of the
25 National Housing Act, that a higher such maximum dollar
26 amount limitation is warranted for any particular size or

1 sizes of residences in such sub-area by higher median
2 home prices in such sub-area, the Secretary may, for mort-
3 gages for which the mortgagee issues credit approval for
4 the borrower during calendar year 2009, increase the max-
5 imum dollar amount limitation for such size or sizes of
6 residences for such sub-area that is otherwise in effect (in-
7 cluding pursuant to subsection (a) of this section), but in
8 no case to an amount that exceeds the amount specified
9 in section 202(a)(2) of the Economic Stimulus Act of
10 2008.

11 **SEC. 12003. GSE CONFORMING LOAN LIMITS FOR 2009.**

12 (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.—
13 For mortgages originated during calendar year 2009, if
14 the limitation on the maximum original principal obliga-
15 tion of a mortgage that may purchased by the Federal
16 National Mortgage Association or the Federal Home Loan
17 Mortgage Corporation determined under section 302(b)(2)
18 of the Federal National Mortgage Association Charter Act
19 (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Fed-
20 eral Home Loan Mortgage Corporation Act (12 U.S.C.
21 1754(a)(2)), respectively, for any size residence for any
22 area is less than such maximum original principal obliga-
23 tion limitation that was in effect for such size residence
24 for such area for 2008 pursuant to section 201 of the Eco-
25 nomic Stimulus Act of 2008 (Public Law 110-185; 122

1 Stat. 619), notwithstanding any other provision of law, the
2 limitation on the maximum original principal obligation of
3 a mortgage for such Association and Corporation for such
4 size residence for such area shall be such maximum limita-
5 tion in effect for such size residence for such area for
6 2008.

7 (b) DISCRETIONARY AUTHORITY FOR SUB-AREAS.—
8 Notwithstanding any other provision of law, if the Direc-
9 tor of the Federal Housing Finance Agency determines,
10 for any geographic area that is smaller than an area for
11 which limitations on the maximum original principal obli-
12 gation of a mortgage are determined for the Federal Na-
13 tional Mortgage Association or the Federal Home Loan
14 Mortgage Corporation, that a higher such maximum origi-
15 nal principal obligation limitation is warranted for any
16 particular size or sizes of residences in such sub-area by
17 higher median home prices in such sub-area, the Director
18 may, for mortgages originated during 2009, increase the
19 maximum original principal obligation limitation for such
20 size or sizes of residences for such sub-area that is other-
21 wise in effect (including pursuant to subsection (a) of this
22 section) for such Association and Corporation, but in no
23 case to an amount that exceeds the amount specified in
24 the matter following the comma in section 201(a)(1)(B)
25 of the Economic Stimulus Act of 2008.

1 **SEC. 12004. FHA REVERSE MORTGAGE LOAN LIMITS FOR**
2 **2009.**

3 For mortgages for which the mortgagee issues credit
4 approval for the borrower during calendar year 2009, the
5 second sentence of section 255(g) of the National Housing
6 Act (12 U.S.C. 171520(g)) shall be considered to require
7 that in no case may the benefits of insurance under such
8 section 255 exceed 150 percent of the maximum dollar
9 amount in effect under the sixth sentence of section
10 305(a)(2) of the Federal Home Loan Mortgage Corpora-
11 tion Act (12 U.S.C. 1454(a)(2)).

12 **TITLE XIII—STATE FISCAL**
13 **STABILIZATION FUND**

14 DEPARTMENT OF EDUCATION

15 STATE FISCAL STABILIZATION FUND

16 For necessary expenses for a State Fiscal Stabiliza-
17 tion Fund, \$79,000,000,000, which shall be administered
18 by the Department of Education, of which
19 \$39,500,000,000 shall become available on July 1, 2009
20 and remain available through September 30, 2010, and
21 \$39,500,000,000 shall become available on July 1, 2010
22 and remain available through September 30, 2011: *Pro-*
23 *vided*, That the provisions of section 1103 of this Act shall
24 not apply to the funds reserved under section 13001(c)
25 of this title: *Provided further*, That the amount made
26 available under section 13001(b) of this title for adminis-

1 tration and oversight shall take the place of the set-aside
2 under section 1106 of this Act.

3 **GENERAL PROVISIONS, THIS TITLE**

4 **SEC. 13001. ALLOCATIONS.**

5 (a) **OUTLYING AREAS.**—From each year’s appropria-
6 tion to carry out this title, the Secretary of Education
7 shall first allocate one half of 1 percent to the outlying
8 areas on the basis of their respective needs, as determined
9 by the Secretary, for activities consistent with this title
10 under such terms and conditions as the Secretary may de-
11 termine.

12 (b) **ADMINISTRATION AND OVERSIGHT.**—The Sec-
13 retary may, in addition, reserve up to \$12,500,000 each
14 year for administration and oversight of this title, includ-
15 ing for program evaluation.

16 (c) **RESERVATION FOR ADDITIONAL PROGRAMS.**—
17 After reserving funds under subsections (a) and (b), the
18 Secretary shall reserve \$7,500,000,000 each year for
19 grants under sections 13006 and 13007.

20 (d) **STATE ALLOCATIONS.**—After carrying out sub-
21 sections (a), (b), and (c), the Secretary shall allocate the
22 remaining funds made available to carry out this title to
23 the States as follows:

24 (1) 61 percent on the basis of their relative
25 population of individuals aged 5 through 24.

1 (2) 39 percent on the basis of their relative
2 total population.

3 (e) STATE GRANTS.—From funds allocated under
4 subsection (d), the Secretary shall make grants to the
5 Governor of each State.

6 (f) REALLOCATION.—The Governor shall return to
7 the Secretary any funds received under subsection (e) that
8 the Governor does not obligate within one year of receiving
9 a grant, and the Secretary shall reallocate such funds to
10 the remaining States in accordance with subsection (d).

11 **SEC. 13002. STATE USES OF FUNDS.**

12 (a) EDUCATION FUND.—

13 (1) IN GENERAL.—For each fiscal year, the
14 Governor shall use at least 61 percent of the State’s
15 allocation under section 13001 for the support of el-
16 ementary, secondary, and postsecondary education.

17 (2) RESTORING 2008 STATE SUPPORT FOR EDU-
18 CATION.—

19 (A) IN GENERAL.—The Governor shall
20 first use the funds described in paragraph (1)—

21 (i) to provide the amount of funds,
22 through the State’s principal elementary
23 and secondary funding formula, that is
24 needed to restore State support for elemen-

1 tary and secondary education to the fiscal
2 year 2008 level; and

3 (ii) to provide the amount of funds to
4 public institutions of higher education in
5 the State that is needed to restore State
6 support for postsecondary education to the
7 fiscal year 2008 level.

8 (B) SHORTFALL.—If the Governor deter-
9 mines that the amount of funds available under
10 paragraph (1) is insufficient to restore State
11 support for education to the levels described in
12 clauses (i) and (ii) of subparagraph (A), the
13 Governor shall allocate those funds between
14 those clauses in proportion to the relative short-
15 fall in State support for the education sectors
16 described in those clauses.

17 (3) SUBGRANTS TO IMPROVE BASIC PROGRAMS
18 OPERATED BY LOCAL EDUCATIONAL AGENCIES.—

19 After carrying out paragraph (2), the Governor shall
20 use any funds remaining under paragraph (1) to
21 provide local educational agencies in the State with
22 subgrants based on their relative shares of funding
23 under part A of title I of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C. 6311 et

1 seq.) for the most recent year for which data are
2 available.

3 (b) OTHER GOVERNMENT SERVICES.—For each fis-
4 cal year, the Governor may use up to 39 percent of the
5 State’s allocation under section 1301 for public safety and
6 other government services, which may include assistance
7 for elementary and secondary education and public institu-
8 tions of higher education.

9 **SEC. 13003. USES OF FUNDS BY LOCAL EDUCATIONAL**
10 **AGENCIES.**

11 (a) IN GENERAL.—A local educational agency that
12 receives funds under this title may use the funds for any
13 activity authorized by the Elementary and Secondary Edu-
14 cation Act of 1965 (20 U.S.C. 6301 et seq.) (“ESEA”),
15 the Individuals with Disabilities Education Act (20 U.S.C.
16 1400 et seq.) (“IDEA”), or the Carl D. Perkins Career
17 and Technical Education Act of 2006 (20 U.S.C. 2301
18 et seq.) (“the Perkins Act”).

19 (b) PROHIBITION.—A local educational agency may
20 not use funds received under this title for capital projects
21 unless authorized by ESEA, IDEA, or the Perkins Act.

22 **SEC. 13004. USES OF FUNDS BY INSTITUTIONS OF HIGHER**
23 **EDUCATION.**

24 (a) IN GENERAL.—A public institution of higher edu-
25 cation that receives funds under this title shall use the

1 funds for education and general expenditures, and in such
2 a way as to mitigate the need to raise tuition and fees
3 for in-State students.

4 (b) PROHIBITION.—An institution of higher edu-
5 cation may not use funds received under this title to in-
6 crease its endowment.

7 (c) ADDITIONAL PROHIBITION.—An institution of
8 higher education may not use funds received under this
9 title for construction, renovation, or facility repair.

10 **SEC. 13005. STATE APPLICATIONS.**

11 (a) IN GENERAL.—The Governor of a State desiring
12 to receive an allocation under section 13001 shall submit
13 an annual application at such time, in such manner, and
14 containing such information as the Secretary may reason-
15 ably require.

16 (b) FIRST YEAR APPLICATION.—In the first of such
17 applications, the Governor shall—

18 (1) include the assurances described in sub-
19 section (e);

20 (2) provide baseline data that demonstrates the
21 State's current status in each of the areas described
22 in such assurances; and

23 (3) describe how the State intends to use its al-
24 location.

1 (c) SECOND YEAR APPLICATION.—In the second year
2 application, the Governor shall—

3 (1) include the assurances described in sub-
4 section (e); and

5 (2) describe how the State intends to use its al-
6 location.

7 (d) INCENTIVE GRANT APPLICATION.—The Governor
8 of a State seeking a grant under section 13006 shall—

9 (1) submit an application for consideration;

10 (2) describe the status of the State's progress
11 in each of the areas described in subsection (e), and
12 the strategies the State is employing to help ensure
13 that high-need students in the State continue mak-
14 ing progress towards meeting the State's student
15 academic achievement standards;

16 (3) describe how the State would use its grant
17 funding, including how it will allocate the funds to
18 give priority to high-need schools and local edu-
19 cational agencies; and

20 (4) include a plan for evaluating its progress in
21 closing achievement gaps.

22 (e) ASSURANCES.—An application under subsection
23 (b) or (c) shall include the following assurances:

24 (1) MAINTENANCE OF EFFORT.—

1 (A) ELEMENTARY AND SECONDARY EDU-
2 CATION.—The State will, in each of fiscal years
3 2009 and 2010, maintain State support for ele-
4 mentary and secondary education at least at
5 the level of such support in fiscal year 2006.

6 (B) HIGHER EDUCATION.—The State will,
7 in each of fiscal years 2009 and 2010, maintain
8 State support for public institutions of higher
9 education (not including support for capital
10 projects or for research and development) at
11 least at the level of such support in fiscal year
12 2006.

13 (2) ACHIEVING EQUITY IN TEACHER DISTRIBU-
14 TION.—The State will take actions to comply with
15 section 1111(b)(8)(C) of ESEA (20 U.S.C.
16 6311(b)(8)(C)) in order to address inequities in the
17 distribution of teachers between high-and low-pov-
18 erty schools, and to ensure that low-income and mi-
19 nority children are not taught at higher rates than
20 other children by inexperienced, unqualified, or out-
21 of-field teachers.

22 (3) IMPROVING COLLECTION AND USE OF
23 DATA.—The State will establish a longitudinal data
24 system that includes the elements described in sec-

1 tion 6401(e)(2)(D) of the America COMPETES Act
2 (20 U.S.C. 9871).

3 (4) ASSESSMENTS.—The State—

4 (A) will enhance the quality of academic
5 assessments described in section 1111(b)(3) of
6 ESEA (20 U.S.C. 6311(b)(3)) through activi-
7 ties such as those described in section 6112(a)
8 of such Act (20 U.S.C. 7301a(a)); and

9 (B) will comply with the requirements of
10 paragraphs 3(C)(ix) and (6) of section 1111(b)
11 of ESEA (20 U.S.C. 6311(b)) and section
12 612(a)(16) of IDEA (20 U.S.C. 1412(a)(16))
13 related to the inclusion of children with disabili-
14 ties and limited English proficient students in
15 State assessments, the development of valid and
16 reliable assessments for those students, and the
17 provision of accommodations that enable their
18 participation in State assessments.

19 **SEC. 13006. STATE INCENTIVE GRANTS.**

20 (a) IN GENERAL.—From the total amount reserved
21 under section 13001(e) that is not used for section 13007,
22 the Secretary shall, in fiscal year 2010, make grants to
23 States that have made significant progress in meeting the
24 objectives of paragraphs (2), (3), and (4) of section
25 13005(e).

1 (b) BASIS FOR GRANTS.—The Secretary shall deter-
2 mine which States receive grants under this section, and
3 the amount of those grants, on the basis of information
4 provided in State applications under section 13005 and
5 such other criteria as the Secretary determines appro-
6 priate.

7 (c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
8 CIES.—Each State receiving a grant under this section
9 shall use at least 50 percent of the grant to provide local
10 educational agencies in the State with subgrants based on
11 their relative shares of funding under part A of title I of
12 ESEA (20 U.S.C. 6311 et seq.) for the most recent year.

13 **SEC. 13007. INNOVATION FUND.**

14 (a) IN GENERAL.—

15 (1) PROGRAM ESTABLISHED.—From the total
16 amount reserved under section 13001(c), the Sec-
17 retary may reserve up to \$325,000,000 each year to
18 establish an Innovation Fund, which shall consist of
19 academic achievement awards that recognize States,
20 local educational agencies, or schools that meet the
21 requirements described in subsection (b).

22 (2) BASIS FOR AWARDS.—The Secretary shall
23 make awards to States, local educational agencies,
24 or schools that have made significant gains in clos-

1 ing the achievement gap as described in subsection
2 (b)(1)—

3 (A) to allow such States, local educational
4 agencies, and schools to expand their work and
5 serve as models for best practices;

6 (B) to allow such States, local educational
7 agencies, and schools to work in partnership
8 with the private sector and the philanthropic
9 community; and

10 (C) to identify and document best practices
11 that can be shared, and taken to scale based on
12 demonstrated success.

13 (b) ELIGIBILITY.—To be eligible for such an award,
14 a State, local educational agency, or school shall—

15 (1) have significantly closed the achievement
16 gaps between groups of students described in section
17 1111(b)(2) of ESEA (20 U.S.C. 6311(b)(2));

18 (2) have exceeded the State’s annual measur-
19 able objectives consistent with such section
20 1111(b)(2) for 2 or more consecutive years or have
21 demonstrated success in significantly increasing stu-
22 dent academic achievement for all groups of stu-
23 dents described in such section through another
24 measure, such as measures described in section
25 1111(e)(2) of ESEA;

1 (3) have made significant improvement in other
2 areas, such as graduation rates or increased recruit-
3 ment and placement of high-quality teachers and
4 school leaders, as demonstrated with meaningful
5 data; and

6 (4) demonstrate that they have established
7 partnerships with the private sector, which may in-
8 clude philanthropic organizations, and that the pri-
9 vate sector will provide matching funds in order to
10 help bring results to scale.

11 **SEC. 13008. STATE REPORTS.**

12 For each year of the program under this title, a State
13 receiving funds under this title shall submit a report to
14 the Secretary, at such time and in such manner as the
15 Secretary may require, that describes—

16 (1) the uses of funds provided under this title
17 within the State;

18 (2) how the State distributed the funds it re-
19 ceived under this title;

20 (3) the number of jobs that the Governor esti-
21 mates were saved or created with funds the State re-
22 ceived under this title;

23 (4) tax increases that the Governor estimates
24 were averted because of the availability of funds
25 from this title;

1 (5) the State's progress in reducing inequities
2 in the distribution of teachers, in implementing a
3 State student longitudinal data system, and in devel-
4 oping and implementing valid and reliable assess-
5 ments for limited English proficient students and
6 children with disabilities;

7 (6) the tuition and fee increases for in-State
8 students imposed by public institutions of higher
9 education in the State during the period of avail-
10 ability of funds under this title, and a description of
11 any actions taken by the State to limit those in-
12 creases; and

13 (7) the extent to which public institutions of
14 higher education maintained, increased, or decreased
15 enrollment of in-State students, including students
16 eligible for Pell Grants or other need-based financial
17 assistance.

18 **SEC. 13009. EVALUATION.**

19 The Comptroller General of the United States shall
20 conduct evaluations of the programs under sections 13006
21 and 13007 which shall include, but not be limited to, the
22 criteria used for the awards made, the States selected for
23 awards, award amounts, how each State used the award
24 received, and the impact of this funding on the progress
25 made toward closing achievement gaps.

1 **SEC. 13010. SECRETARY'S REPORT TO CONGRESS.**

2 The Secretary shall submit a report to the Committee
3 on Education and Labor of the House of Representatives,
4 the Committee on Health, Education, Labor, and Pen-
5 sions of the Senate, and the Committees on Appropria-
6 tions of the House of Representatives and of the Senate,
7 not less than 6 months following the submission of State
8 reports, that evaluates the information provided in the
9 State reports under section 13008.

10 **SEC. 13011. PROHIBITION ON PROVISION OF CERTAIN AS-**
11 **SISTANCE.**

12 No recipient of funds under this title shall use such
13 funds to provide financial assistance to students to attend
14 private elementary or secondary schools.

15 **SEC. 13012. DEFINITIONS.**

16 Except as otherwise provided in this title, as used in
17 this title—

18 (1) the term “institution of higher education”
19 has the meaning given such term in section 101 of
20 the Higher Education Act of 1965 (20 U.S.C.
21 1001);

22 (2) the term “Secretary” means the Secretary
23 of Education;

24 (3) the term “State” means each of the 50
25 States, the District of Columbia, and the Common-
26 wealth of Puerto Rico; and

1 (4) any other term used in this title that is de-
2 fined in section 9101 of ESEA (20 U.S.C. 7801)
3 shall have the meaning given the term in that sec-
4 tion.

Union Calendar No. 1

111TH CONGRESS
1ST Session

H. R. 679

[Report No. 111-4]

A BILL

Making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

JANUARY 26, 2009

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed