

AMENDMENT NO. _____ Calendar No. _____

Purpose: _____.

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

H.R. 7110

Making supplemental appropriations for job creation and preservation, infrastructure investment, and economic and energy assistance for the fiscal year ending September 30, 2009, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. REID AND
BYRD

Viz:

- 1 Stike all after the enacting clause and insert the fol-
- 2 lowing:
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the
- 5 fiscal year ending September 30, 2009, and for other pur-
- 6 poses, namely:

1 TITLE I
2 INFRASTRUCTURE, ENERGY, AND ECONOMIC
3 RECOVERY
4 CHAPTER 1

5 DEPARTMENT OF AGRICULTURE

6 FARM SERVICE AGENCY

7 SALARIES AND EXPENSES

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

12 RURAL HOUSING SERVICE

13 RURAL HOUSING INSURANCE PROGRAM ACCOUNT

14 For an additional amount for gross obligations for
15 the principal amount of direct and guaranteed loans as
16 authorized by title V of the Housing Act of 1949, to be
17 available from funds in the rural housing insurance fund,
18 as follows: \$171,000,000 for section 502 direct loans, and
19 \$3,000,000,000 for section 502 unsubsidized guaranteed
20 loans.

21 For an additional amount for the cost of direct and
22 guaranteed loans, including the cost of modifying loans,
23 as defined in section 502 of the Congressional Budget Act
24 of 1974, to remain available until expended, as follows:
25 \$11,500,000 for section 502 direct loans, and

1 \$38,100,000 for section 502 unsubsidized guaranteed
2 loans.

3 RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

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

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

21 RURAL BUSINESS—COOPERATIVE SERVICE

22 RURAL BUSINESS PROGRAM ACCOUNT

23 For an additional amount for gross obligations for
24 the principal amount of guaranteed loans as authorized
25 by section 310B(a)(2)(A) of the Consolidated Farm and
26 Rural Development Act, to be available from the rural

1 business program account, as follows: \$1,000,000,000 for
2 business and industry guaranteed loans.

3 For an additional amount for the cost of guaranteed
4 loans, including the cost of modifying loans, as defined
5 in section 502 of the Congressional Budget Act of 1974,
6 to remain available until expended, as follows:
7 \$43,500,000 for business and industry guaranteed loans.

8 RURAL BUSINESS ENTERPRISE GRANTS

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

12 RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

13 For an additional amount for gross obligations for
14 the principal amount of direct loans as authorized by the
15 Rural Development Loan Fund (42 U.S.C. 9812(a)),
16 \$30,000,000.

17 For an additional amount for the cost of direct loans,
18 including the cost of modifying loans, as defined in section
19 502 of the Congressional Budget Act of 1974, to remain
20 available until expended, \$12,600,000, for direct loans as
21 authorized by the Rural Development Loan Fund (42
22 U.S.C. 9812(a)).

23 RURAL UTILITIES SERVICE

24 RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

25 For an additional amount for the cost of direct loans,
26 loan guarantees, and grants for the rural water, waste

1 water, waste disposal, and solid waste management pro-
2 grams authorized by sections 306, 306A, 306C, 306D,
3 and 310B and described in sections 306C(a)(2), 306D,
4 and 381E(d)(2) of the Consolidated Farm and Rural De-
5 velopment Act, \$200,000,000, to remain available until ex-
6 pended.

7 FOOD AND NUTRITION SERVICE

8 SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR

9 WOMEN, INFANTS, AND CHILDREN

10 For an additional amount for the special supple-
11 mental nutrition program as authorized by section 17 of
12 the Child Nutrition Act of 1966 (42 U.S.C. 1786),
13 \$445,000,000.

14 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

15 For an additional amount for the Emergency Food
16 Assistance Program, as authorized by Section 4201 of
17 Public Law 110–246, \$50,000,000, of which the Secretary
18 may use up to 10 percent for costs associated with the
19 distribution of commodities.

20 COMMODITY ASSISTANCE PROGRAM

21 For an additional amount for the Commodity Supple-
22 mental Food Program, \$8,218,000, to support additional
23 food purchases.

24 GENERAL PROVISIONS—THIS CHAPTER

25 SEC. 1101. (a) Hereafter, in this section, the term
26 “nonambulatory disabled cattle” means cattle, other than

1 cattle that are less than 5 months old or weigh less than
2 500 pounds, subject to inspection under section 3(b) of
3 the Federal Meat Inspection Act (21 U.S.C. 603(b)) that
4 cannot rise from a recumbent position or walk, including
5 cattle with a broken appendage, severed tendon or liga-
6 ment, nerve paralysis, fractured vertebral column, or a
7 metabolic condition.

8 (b) Hereafter, none of the funds made available
9 under this or any other Act may be used to pay the sala-
10 ries or expenses of any personnel of the Food Safety and
11 Inspection Service to pass through inspection any non-
12 ambulatory disabled cattle for use as human food, regard-
13 less of the reason for the nonambulatory status of the cat-
14 tle or the time at which the cattle became nonambulatory.

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

24 SEC. 1102. FARM RELIEF. (a) SHORT TITLE.—This
25 section may be cited as the “Farm Relief Act of 2008”.

1 (b) 2008 CROP DISASTER ASSISTANCE.—Section
2 9001 of the U.S. Troop Readiness, Veterans’ Care,
3 Katrina Recovery, and Iraq Accountability Appropriations
4 Act, 2007 (Public Law 110–28; 121 Stat. 211) is amend-
5 ed—

6 (1) in subsection (a)—

7 (A) by striking “There are hereby” and in-
8 serting the following:

9 “(1) IN GENERAL.—There are hereby”; and

10 (B) by adding at the end the following:

11 “(2) 2008 CROP DISASTER ASSISTANCE.—

12 “(A) IN GENERAL.—There are hereby ap-
13 propriated to the Secretary such sums as are
14 necessary, to remain available until expended,
15 to make emergency financial assistance under
16 this section available to producers on a farm
17 that incurred qualifying quantity or quality
18 losses for the 2008 crop due a natural disaster
19 or any related condition, as determined by the
20 Secretary.

21 “(B) SUGAR AND SUGARCANE DISASTER
22 ASSISTANCE.—

23 “(i) FLORIDA.—There are hereby ap-
24 propriated to the Secretary such sums as
25 are necessary, to remain available until ex-

1 pended, to make payments to processors in
2 Florida that are eligible to obtain a loan
3 under section 156(a) of the Federal Agri-
4 culture Improvement and Reform Act of
5 1996 (7 U.S.C. 7272(a)) to compensate
6 first processors and producers for crop and
7 other losses due a natural disaster or any
8 related condition, as determined by the
9 Secretary, in Florida during calendar year
10 2008, by an agreement on the same terms
11 and conditions, to the maximum extent
12 practicable, as the payments made under
13 section 102 of the Emergency Supple-
14 mental Appropriations for Hurricane Dis-
15 asters Assistance Act of 2005 (Public Law
16 108-324; 118 Stat. 1235), including that
17 the 2008 base production of each har-
18 vesting unit shall be determined using the
19 same base year crop production history
20 that was used pursuant to the agreement
21 under that section.

22 “(ii) LOUISIANA.—

23 “(I) COMPENSATION FOR
24 LOSSES.—There are hereby appro-
25 priated to the Secretary such sums as

1 are necessary, to remain available
2 until expended, to make assistance
3 available to first processors of sugar-
4 cane that operate in a county affected
5 by a natural disaster, or obtain sugar-
6 cane from a county affected by a nat-
7 ural disaster, in Louisiana and that
8 are eligible to obtain a loan under sec-
9 tion 156(a) of the Federal Agriculture
10 Improvement and Reform Act of 1996
11 (7 U.S.C. 7272(a)), in the form of
12 monetary payments or commodities in
13 the inventory of the Commodity Cred-
14 it Corporation derived from carrying
15 out that section, to compensate pro-
16 ducers and first processors for crop
17 and other losses due to the natural
18 disaster or any related condition, as
19 determined by the Secretary.

20 “(II) ADMINISTRATION.—Assist-
21 ance under this clause shall be—

22 “(aa) shared by an affected
23 first processor with affected pro-
24 ducers that provide commodities
25 to the processor in a manner that

1 reflects contracts entered into be-
2 tween the processor and the pro-
3 ducers, except with respect to a
4 portion of the amount of total as-
5 sistance provided under subclause
6 (I) necessary to compensate af-
7 fected producers for individual
8 losses experienced by the pro-
9 ducers, including losses due to
10 saltwater intrusion, flooding,
11 wind damage, or increased plant-
12 ing, replanting, or harvesting
13 costs, which shall be transferred
14 by the first processor to the af-
15 fected producers without regard
16 to contractual share arrange-
17 ments; and

18 “(bb) made available under
19 such terms and conditions as the
20 Secretary determines are nec-
21 essary to carry out this clause.

22 “(III) FORM OF ASSISTANCE.—

23 In carrying out this clause, the Sec-
24 retary shall—

1 “(aa) convey to the first
2 processor commodities in the in-
3 ventory of the Commodity Credit
4 Corporation derived from car-
5 rying out section 156(a) of the
6 Federal Agriculture Improvement
7 and Reform Act of 1996 (7
8 U.S.C. 7272(a));

9 “(bb) make monetary pay-
10 ments to the first processor; or

11 “(cc) take any combination
12 of actions described in items (aa)
13 and (bb), using commodities or
14 monetary payments.

15 “(IV) LOSS DETERMINATION.—
16 In carrying out this clause, the Sec-
17 retary shall use the same base year to
18 determine crop loss that was elected
19 by a producer to determine crop loss
20 in carrying out the hurricane assist-
21 ance program under section 207 of
22 the Agricultural Assistance Act of
23 2003 (Public Law 108–7; 117 Stat.
24 543).

1 “(iii) TEXAS.—There are hereby ap-
2 propriated to the Secretary such sums as
3 are necessary, to remain available until ex-
4 pended, to assist sugarcane growers in
5 Texas by making a payment in that
6 amount to a farmer-owned cooperative sug-
7 arcane processor in that State, for costs of
8 demurrage, storage, and transportation re-
9 sulting from natural disaster or any re-
10 lated condition during calendar year 2008.

11 “(C) RELATION TO SUPPLEMENTAL AGRI-
12 CULTURAL DISASTER ASSISTANCE PROGRAM.—
13 A producer on a farm that accepts assistance
14 made available under this paragraph for a crop
15 loss is not eligible to receive supplemental agri-
16 cultural disaster assistance for that crop loss
17 under subtitle B of the Federal Crop Insurance
18 Act (7 U.S.C. 1531) or title IX of the Trade
19 Act of 1974 (19 U.S.C. 2497 et seq.).”; and

20 (2) in subsection (b), by striking “this section”
21 each place it appears and inserting “subsection
22 (a)(1)”.

23 (c) AQUACULTURE GRANTS.—

24 (1) IN GENERAL.—The Secretary of Agriculture
25 shall make available grants under this subsection to

1 appropriate State departments of agriculture (or
2 other appropriate State agencies) that agree to as-
3 sist producers of animals described in section
4 10806(a)(1) of the Farm Security and Rural Invest-
5 ment Act of 2002 (21 U.S.C. 321d(a)(1)) injured by
6 increased costs for animal feed and that agree to
7 comply with paragraph (2).

8 (2) ELIGIBILITY FOR GRANTS.—To be eligible
9 to receive a grant under this subsection, the State
10 department of agriculture (or other appropriate
11 State agency) shall—

12 (A) agree to use the grants to distribute
13 feed assistance through animal feed providers;
14 and

15 (B) agree to require such animal feed pro-
16 viders to make such feed assistance available on
17 a pro rata basis to active producers described in
18 paragraph (1) based on documented feed use by
19 such producers in 2007.

20 (3) FEED ASSISTANCE.—The Secretary shall
21 make such grants available to such State depart-
22 ments of agriculture or other agencies allocated on
23 a pro rata basis, based on total tons of feed for such
24 animals consumed in such State in 2007.

1 (4) FUNDING.—There are hereby appropriated
2 \$50,000,000 to carry out this subsection.

3 CHAPTER 2

4 DEPARTMENT OF COMMERCE

5 ECONOMIC DEVELOPMENT ADMINISTRATION

6 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

7 For an additional amount for “Economic Develop-
8 ment Assistance Programs” for economic adjustment as-
9 sistance as authorized by section 209 of the Public Works
10 and Economic Development Act of 1965, as amended (42
11 U.S.C. 3149), \$50,000,000, to remain available until ex-
12 pended: *Provided*, That in allocating funds provided in the
13 previous proviso, the Secretary of Commerce shall give pri-
14 ority consideration to areas of the Nation that have experi-
15 enced sudden and severe economic dislocation and job loss
16 due to corporate restructuring.

17 DEPARTMENT OF JUSTICE

18 UNITED STATES MARSHALS SERVICE

19 SALARIES AND EXPENSES

20 For an additional amount for “Salaries and Ex-
21 penses”, \$50,000,000, for the United States Marshals
22 Service, to implement and enforce the Adam Walsh Child
23 Protection and Safety Act (Public Law 109–248) to ap-
24 prehend non-compliant sex offenders.

1 FEDERAL BUREAU OF INVESTIGATION

2 SALARIES AND EXPENSES

3 For an additional amount for “Salaries and Ex-
4 penses”, \$75,000,000.

5 OFFICE OF JUSTICE PROGRAMS

6 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

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

15 For an additional amount for “State and Local Law
16 Enforcement Assistance”, \$100,000,000, for competitive
17 grants to provide assistance and equipment to local law
18 enforcement along the Southern border and in High-In-
19 tensity Drug Trafficking Areas to combat criminal nar-
20 cotic activity stemming from the Southern border, of
21 which \$15,000,000 shall be transferred to the “Bureau
22 of Alcohol, Tobacco, Firearms and Explosives”, “Salaries
23 and Expenses” for the ATF Project Gunrunner.

24 COMMUNITY ORIENTED POLICING SERVICES

25 For additional amount for “Community Oriented Po-
26 licing Services”, for grants under section 1701 of title I

1 of the 1968 Omnibus Crime Control and Safe Streets Act
2 (42 U.S.C. 379dd) for hiring and rehiring of additional
3 career law enforcement officers under part Q of such title
4 notwithstanding subsection (i) of such section,
5 \$500,000,000.

6 SCIENCE

7 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

8 RETURN TO FLIGHT

9 For necessary expenses, not otherwise provided for,
10 in carrying out return to flight activities associated with
11 the space shuttle and activities from which funds were
12 transferred to accommodate return to flight activities,
13 \$400,000,000, with such sums as determined by the Ad-
14 ministrator of the National Aeronautics and Space Admin-
15 istration as available for transfer to “Science”, “Aero-
16 nautics”, “Exploration”, and “Space Operations” for res-
17 toration of funds previously reallocated to meet return to
18 flight activities.

19 RELATED AGENCY

20 LEGAL SERVICES CORPORATION

21 PAYMENT TO THE LEGAL SERVICES CORPORATION

22 For an additional amount for “Payment to the Legal
23 Services Corporation”, \$37,500,000, to provide legal as-
24 sistance related to home ownership preservation, home
25 foreclosure prevention, and tenancy associated foreclosure:

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

12 CHAPTER 3

13 DEPARTMENT OF DEFENSE—CIVIL

14 DEPARTMENT OF THE ARMY

15 CORPS OF ENGINEERS—CIVIL

16 CONSTRUCTION

17 For an additional amount for “Construction” for ex-
18 penses necessary for the construction of river and harbor,
19 flood and storm damage reduction, shore protection,
20 aquatic ecosystem restoration, and related projects au-
21 thorized by law, \$400,000,000, to remain available until
22 expended: *Provided*, That not less than \$100,000,000 of
23 the funds provided shall be for environmental infrastruc-
24 ture assistance: *Provided further*, That not less than
25 \$75,000,000 of the funds provided shall be for rehabilita-

tion of Corps of Engineers owned or operated hydropower infrastructure: *Provided further*, That 33 U.S.C. 2221 shall not apply to funds provided in this Act: *Provided further*, That notwithstanding any other provision of law, funds provided in this Act shall not be cost shared with the Inland Waterways Trust Fund as authorized in Public Law 99–662: *Provided further*, That funds provided in this Act may only be used for programs, projects or activities previously funded: *Provided further*, That funds provided in this Act shall be used for elements of projects, programs or activities that can be completed within these funding amounts and shall not create budgetary obligations in future fiscal years: *Provided further*, That the Secretary of the Army shall submit a report to the House and Senate Appropriations Committees within 45 days of enactment of this Act, specifying the projects, programs or activities that are to be funded with these supplemental funds: *Provided further*, That these funds must be obligated no later than December 31, 2010.

OPERATIONS AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law, and for surveys and charting of northern and northwestern lakes and con-

1 necting waters, clearing and straightening channels, and
2 removal of obstructions to navigation, \$500,000,000, to
3 remain available until expended, of which such sums as
4 are necessary to cover the Federal share of operation and
5 maintenance costs for coastal harbors and channels, and
6 inland harbors shall be derived from the Harbor Mainte-
7 nance Trust Fund, pursuant to Public Law 99-662; and
8 of which such sums as become available under section 217
9 of the Water Resources Development Act of 1996, Public
10 Law 104-303, shall be used to cover the cost of operation
11 and maintenance of the dredged material disposal facilities
12 for which fees have been collected: *Provided*, That not less
13 than \$150,000,000 of the funds provided shall be used
14 for dredging any authorized inland and coastal waterways
15 and ports to provide useful navigable widths and depths:
16 *Provided further*, That not less than \$25,000,000 of the
17 funds provided shall be used for rehabilitation of public
18 use areas at Corps of Engineers projects and facilities:
19 *Provided further*, That \$75,000,000 of the funds provided
20 shall be used for maintenance activities for Corps of Engi-
21 neers owned or operated hydropower infrastructure: *Pro-*
22 *vided further*, That funds provided in this Act may only
23 be used for programs, projects or activities previously
24 funded: *Provided further*, That funds provided in this Act
25 shall be used for elements of projects, programs or activi-

1 ties that can be completed within these funding amounts
2 and shall not create budgetary obligations in future fiscal
3 years: *Provided further*, That the Secretary of the Army
4 shall submit a report to the House and Senate Appropria-
5 tions Committees within 45 days of enactment of this Act,
6 specifying the projects, programs or activities that are to
7 be funded with these supplemental funds: *Provided fur-*
8 *ther*, That these funds must be obligated no later than
9 December 31, 2010.

10 MISSISSIPPI RIVER AND TRIBUTARIES

11 For an additional amount for “Mississippi River and
12 Tributaries” for expenses necessary for the flood damage
13 reduction program for the Mississippi River alluvial valley
14 below Cape Girardeau, Missouri, as authorized by law,
15 \$100,000,000, to remain available until expended, of
16 which such sums as are necessary to cover the Federal
17 share of operation and maintenance costs for inland har-
18 bors shall be derived from the Harbor Maintenance Trust
19 Fund, pursuant to Public Law 99–662: *Provided*, That
20 not less than \$75,000,000 of the funds provided shall be
21 utilized for flood control, ecosystem restoration, and back-
22 log maintenance of facilities along the tributaries of the
23 mainstem of the river eligible under this account: *Provided*
24 *further*, That funds provided in this Act may only be used
25 for programs, projects or activities previously funded in
26 Acts making appropriations for Energy and Water Devel-

1 opment: *Provided further*, That funds provided in this Act
2 shall be used for elements of projects, programs or activi-
3 ties that can be completed within these funding amounts
4 and shall not create budgetary obligations in future fiscal
5 years: *Provided further*, That the Secretary of the Army
6 shall submit a report to the House and Senate Appropria-
7 tions Committees within 45 days of enactment of this Act,
8 specifying the projects, programs or activities that are to
9 be funded with these supplemental funds: *Provided fur-*
10 *ther*, That these funds must be obligated no later than
11 December 31, 2010.

12 DEPARTMENT OF THE INTERIOR

13 BUREAU OF RECLAMATION

14 WATER AND RELATED RESOURCES

15 For an additional amount for “Water and Related
16 Resources” for management, development, and restoration
17 of water and related natural resources and for related ac-
18 tivities, including the operation, maintenance, and reha-
19 bilitation and modification of reclamation and other facili-
20 ties, including improvements or modification to provide en-
21 vironmental benefit, participation in fulfilling related Fed-
22 eral responsibilities to Native Americans, and related
23 grants to, and cooperative and other agreements with,
24 State and local governments, federally recognized Indian
25 tribes, and others, \$200,000,000, to remain available until

1 expended: *Provided*, That not less than \$50,000,000 of the
2 funds provided under this heading shall be used for rural
3 water projects and these funds should be concentrated on
4 water intake and treatment facilities: *Provided further*,
5 That not less than \$5,000,000 of the funds provided under
6 this heading shall be used for a bureauwide program for
7 inspection of canals in urbanized areas: *Provided further*,
8 That not less than \$45,000,000 of the funds provided
9 under this heading shall be used for water reclamation and
10 reuse projects: *Provided further*, That not less than
11 \$15,000,000 of the funds provided under this heading
12 shall be for maintenance and rehabilitation of Bureau of
13 Reclamation owned or operated hydropower infrastruc-
14 ture: *Provided further*, That funds provided in this Act
15 may only be used for programs, projects or activities pre-
16 viously funded: *Provided further*, That funds provided in
17 this Act shall be used for elements of projects, programs
18 or activities that can be completed within these funding
19 amounts and shall not create budgetary obligations in fu-
20 ture fiscal years: *Provided further*, That the Secretary of
21 the Interior shall submit a report to the House and Senate
22 Appropriations Committees within 45 days of enactment
23 of this Act, specifying the projects, programs or activities
24 that are to be funded with these supplemental funds: *Pro-*

1 *vided further*, That these funds must be obligated no later
2 than December 31, 2010.

3 DEPARTMENT OF ENERGY

4 ENERGY EFFICIENCY AND RENEWABLE ENERGY

5 For an additional amount for “Energy Efficiency and
6 Renewable Energy”, \$1,800,000,000, to remain available
7 until expended: *Provided*, That of the funds appropriated,
8 \$500,000,000 is directed to the Weatherization Assistance
9 Program: *Provided further*, That of the funds appro-
10 priated, not less than \$300,000,000 is directed to advance
11 battery technology research, development, and demonstra-
12 tion: *Provided further*, That of the funds appropriated,
13 \$500,000,000 is directed to competitively awarded local
14 government and tribal technology demonstration grants.

15 ELECTRICITY DELIVERY AND ENERGY RELIABILITY

16 For an additional amount for “Electricity Delivery
17 and Energy Reliability”, \$140,000,000, to remain avail-
18 able until expended: *Provided*, That funds shall be avail-
19 able for expenses related to smart grid technologies, crit-
20 ical energy facility process operation systems, and cyber
21 security of control systems.

22 NON-DEFENSE ENVIRONMENTAL CLEANUP

23 For an additional amount for “Non-Defense Environ-
24 mental Cleanup”, \$150,000,000, to remain available until
25 expended.

1 URANIUM ENRICHMENT DECONTAMINATION AND
2 DECOMMISSIONING FUND

3 For an additional amount for “Uranium Enrichment
4 Decontamination and Decommissioning Fund”,
5 \$170,000,000, to remain available until expended.

6 SCIENCE

7 For an additional amount for “Science”,
8 \$175,000,000, to remain available until expended.

9 ADVANCED BATTERY LOAN GUARANTEE PROGRAM

10 For the cost of guaranteed loans as authorized by
11 section 135 of the Energy Independence and Security Act
12 of 2007 (Public Law 110–140; 42 U.S.C. 17012),
13 \$1,000,000,000, to remain available until expended: *Pro-*
14 *vided*, That of such amount, \$5,000,000 shall be used for
15 administrative expenses in carrying out the guaranteed
16 loan program.

17 ATOMIC ENERGY DEFENSE ACTIVITIES

18 NATIONAL NUCLEAR SECURITY ADMINISTRATION

19 WEAPONS ACTIVITIES

20 For an additional amount for “Weapons Activities”,
21 \$100,000,000, to remain available until expended.

1 ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

2 DEFENSE ENVIRONMENTAL CLEANUP

3 For an additional amount for “Defense Environ-
4 mental Cleanup”, \$800,000,000, to remain available until
5 expended.

6 GENERAL PROVISIONS—THIS CHAPTER

7 SEC. 1301. FUTUREGEN. (a) Subject to subsection
8 (b), the Secretary of Energy shall reinstate and con-
9 tinue—

10 (1) the cooperative agreement numbered DE-
11 FC-26-06NT42073 (as in effect on May 15, 2008);
12 and

13 (2) Budget Period 1, under such agreement,
14 through July 31, 2009.

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

17 (1) The agreement described in subsection (a)
18 may not be terminated except by the mutual consent
19 of the parties to the agreement; and

20 (2) Funds may be expended under the agree-
21 ment only to complete and provide information and
22 documentation to the Department of Energy.

23 SEC. 1302. Section 1222(g) of the Energy Policy Act
24 of 2005 (Public Law 109-58; 42 U.S.C. 16421) is amend-

1 ed by striking “\$100,000,000” and inserting
2 “\$2,500,000,000”.

3 CHAPTER 4

4 DEPARTMENT OF THE TREASURY

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$10,550,000, to carry out the provisions of the
9 Inspector General Act of 1978, including material loss re-
10 views in conjunction with bank failures.

11 COMMODITY FUTURES TRADING COMMISSION

12 SALARIES AND EXPENSES

13 For an additional amount to carry out the provisions
14 of the Commodity Exchange Act (7 U.S.C. 1 et seq.),
15 \$13,100,000, of which \$8,000,000 shall remain available
16 until September 30, 2010.

17 GENERAL SERVICES ADMINISTRATION

18 REAL PROPERTY ACTIVITIES

19 FEDERAL BUILDINGS FUND

20 (LIMITATION ON AVAILABILITY)

21 For an additional amount to be deposited in the Fed-
22 eral Buildings Fund, \$547,639,000, to be used by the Ad-
23 ministrator of General Services for GSA real property ac-
24 tivities; of which \$201,000,000 shall be used for construc-
25 tion, repair and alteration of border inspection facility
26 projects for any previously funded or authorized pro-

1 spectus level project, for which additional funding is re-
2 quired, to expire on September 30, 2009 and remain in
3 the Federal Buildings Fund except for funds for projects
4 as to which funds for design or other funds have been obli-
5 gated in whole or in part prior to such date; and of which
6 \$346,639,000 shall be used for the development and con-
7 struction of the St. Elizabeths campus in the District of
8 Columbia, to remain available until expended and remain
9 in the Federal Buildings Fund except for funds for
10 projects as to which funds for design or other funds have
11 been obligated in whole or in part prior to such date: *Pro-*
12 *vided*, That each of the foregoing limits of costs on new
13 construction projects may be exceeded to the extent that
14 savings are effected in other such projects, but not to ex-
15 ceed 10 percent of the amounts provided unless advance
16 approval is obtained from the Committees on Appropria-
17 tions of a greater amount.

18 SMALL BUSINESS ADMINISTRATION

19 SALARIES AND EXPENSES

20 For an additional amount to be available until Sep-
21 tember 30, 2010, \$4,000,000 for marketing, management,
22 and technical assistance under section 7(m)(4) of the
23 Small Business Act (15 U.S.C. 636(m)(4)) by inter-
24 mediaries that make microloans under the Microloan pro-
25 gram.

1 For an additional amount to be available until Sep-
2 tember 30, 2010, \$15,000,000 for lender oversight activi-
3 ties as authorized under section 1401(c) of this Act.

4 BUSINESS LOANS PROGRAM ACCOUNT

5 For an additional amount for the cost of direct loans,
6 \$1,000,000, to remain available until September 30, 2010;
7 and for an additional amount for the cost of guaranteed
8 loans, \$615,000,000, to remain available until September
9 30, 2010: *Provided*, That of the amount for the cost of
10 guaranteed loans, \$515,000,000 shall be for loan subsidies
11 and loan modifications for loans to small business con-
12 cerns authorized under section 1401(a) of this Act; and
13 \$100,000,000 shall be for loan subsidies and loan modi-
14 fications for loans to small business concerns authorized
15 under section 1401(b) of this Act: *Provided further*, That
16 such costs, including the cost of modifying such loans,
17 shall be as defined in section 502 of the Congressional
18 Budget Act of 1974.

19 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

20 ADMINISTRATION

21 SEC. 1401. ECONOMIC STIMULUS FOR SMALL BUSI-
22 NESS CONCERNS. (a) TEMPORARY FEE ELIMINATION FOR
23 THE 7(A) LOAN PROGRAM.—Until September 30, 2010,
24 and to the extent the cost of such elimination of fees is
25 offset by appropriations, with respect to each loan guaran-

1 teed under section 7(a) of Small Business Act (15 U.S.C.
2 636(a)) for which the application is approved on or after
3 the date of enactment of this Act, the Administrator
4 shall—

5 (1) in lieu of the fee otherwise applicable under
6 section 7(a)(23)(A) of the Small Business Act (15
7 U.S.C. 636(a)(23)(A)), collect no fee; and

8 (2) in lieu of the fee otherwise applicable under
9 section 7(a)(18)(A) of the Small Business Act (15
10 U.S.C. 636(a)(18)(A)), collect no fee.

11 (b) TEMPORARY FEE ELIMINATION FOR THE 504
12 LOAN PROGRAM.—

13 (1) IN GENERAL.—Until September 30, 2010,
14 and to the extent the cost of such elimination in fees
15 is offset by appropriations, with respect to each
16 project or loan guaranteed by the Administrator
17 under title V of the Small Business Investment Act
18 of 1958 (15 U.S.C. 695 et seq.) for which the appli-
19 cation is approved or pending approval on or after
20 the date of enactment of this Act—

21 (A) the Administrator shall, in lieu of the
22 fee otherwise applicable under section 503(d)(2)
23 of the Small Business Investment Act of 1958
24 (15 U.S.C. 697(d)(2)) for an institution de-
25 scribed in subclause (I), (II), or (III) of section

1 502(3)(B)(i) of that Act (15 U.S.C.
2 696(3)(B)(i)), collect no fee;

3 (B) a development company shall, in lieu
4 of the mandatory 0.625 servicing fee under sec-
5 tion 120.971(a)(3) of title 13, Code of Federal
6 Regulations (relating to fees paid by bor-
7 rowers), or any successor thereto, collect no fee;
8 and

9 (C) the Administrator shall, in lieu of the
10 fee otherwise applicable under section 503(d)(3)
11 of the Small Business Investment Act (15
12 U.S.C. 697(d)(3)), collect no fee.

13 (2) REIMBURSEMENT FOR WAIVED FEES.—

14 (A) IN GENERAL.—To the extent the cost
15 of such payments is offset by appropriations,
16 the Administrator shall reimburse each develop-
17 ment company that does not collect a servicing
18 fee pursuant to paragraph (1)(B).

19 (B) AMOUNT.—The payment to a develop-
20 ment company under subparagraph (A) shall be
21 in an amount equal to 0.5 percent of the out-
22 standing principal balance of any guaranteed
23 debenture for which the development company
24 does not collect a servicing fee pursuant to
25 paragraph (1)(B).

1 (c) TEMPORARY FEE ELIMINATION OF LENDER
2 OVERSIGHT FEES.—Until September 30, 2010, and to the
3 extent the cost of such elimination in fees is offset by ap-
4 propriations, the Administrator shall, in lieu of the fee
5 otherwise applicable under section 5(b)(14) of the Small
6 Business Act (15 U.S.C. 634(b)(14)), collect no fee.

7 (d) TECHNICAL CORRECTION.—Section 7(a) of the
8 Small Business Act (15 U.S.C. 636(a)) is amended by re-
9 designating paragraph (32) relating to an increased vet-
10 eran participation pilot program, as added by section 208
11 of the Military Reservist and Veteran Small Business Re-
12 authorization and Opportunity Act of 2008 (Public Law
13 110–186; 122 Stat. 631), as paragraph (33).

14 (e) APPLICATION OF FEE ELIMINATIONS.—The Ad-
15 ministrator shall eliminate fees under subsections (a), (b),
16 and (c) until the amount provided for such purposes, as
17 applicable, under the headings “Salaries and Expenses”
18 and “Business Loans Program Account” under the head-
19 ing “Small Business Administration” under this Act are
20 expended.

21 (f) DEFINITIONS.—In this section—

22 (1) the terms “Administration” and “Adminis-
23 trator” mean the Small Business Administration
24 and the Administrator thereof, respectively; and

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

4 SEC. 1402. None of the funds made available under
5 this Act or any other appropriations Act for any fiscal year
6 may be used by the Small Business Administration to im-
7 plement the rule relating to women-owned small business
8 Federal contract assistance procedures published in the
9 Federal Register on October 1, 2008 (73 Fed. Reg. 56940
10 et seq.).

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

U.S. CUSTOMS AND BORDER PROTECTION

BORDER SECURITY, FENCING, INFRASTRUCTURE, AND

TECHNOLOGY

For an additional amount for “Border Security, Fencing, Infrastructure, and Technology”, \$303,000,000, to remain available until expended; of which not less than \$215,000,000 shall be for development and deployment of border security technology on the Southwest border; and of which not less than \$88,000,000 shall be for procurement and deployment of tactical communications equipment and land mobile radios for the U.S. Border Patrol.

CONSTRUCTION

25 For an additional amount for “Construction”,
26 \$100,000,000, to remain available until expended, to re-

1 pair and construct inspection facilities at land border
2 ports of entry.

3 TRANSPORTATION SECURITY ADMINISTRATION

4 AVIATION SECURITY

5 For an additional amount for “Aviation Security”,
6 \$500,000,000, to remain available until expended; of
7 which \$300,000,000 shall be for procurement and installa-
8 tion of checked baggage explosives detection systems; and
9 of which \$200,000,000 shall be for checkpoint explosives
10 detection equipment: *Provided*, That no later than 90 days
11 after the date of enactment of this Act, the Secretary of
12 Homeland Security shall provide the Committees on Ap-
13 propriations of the Senate and the House of Representa-
14 tives a plan for the expenditure of these funds.

15 COAST GUARD

16 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

17 For an additional amount for “Acquisition, Construc-
18 tion, and Improvements”, \$1,220,000,000, to remain
19 available until expended; of which \$925,000,000 shall be
20 for the acquisition of a new polar icebreaker or for nec-
21 essary expenses related to the service life extension of ex-
22 isting Coast Guard polar icebreakers; of which
23 \$150,000,000 shall be for the National Security Cutter
24 program; and of which \$145,000,000 shall be for shore
25 facilities and aids to navigation facilities: *Provided*, That

1 no later than 90 days after the date of enactment of this
2 Act, the Secretary of Homeland Security shall provide the
3 Committees on Appropriations of the Senate and the
4 House of Representatives a plan for the expenditure of
5 these funds.

6 ALTERATION OF BRIDGES

7 For an additional amount for alteration or removal
8 of obstructive bridges, as authorized by section 6 of the
9 Truman-Hobbs Act (33 U.S.C. 516), \$90,000,000, to re-
10 main available until expended: *Provided*, That no later
11 than 90 days after the date of enactment of this Act, the
12 Secretary of Homeland Security shall provide the Commit-
13 tees on Appropriations of the Senate and the House of
14 Representatives an expenditure plan detailing how the
15 Coast Guard will allocate the additional funds appro-
16 priated under this heading for bridges ready to proceed
17 to construction.

18 FEDERAL EMERGENCY MANAGEMENT AGENCY

19 DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

20 Notwithstanding section 417(b) of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance Act,
22 the amount of any such loan issued pursuant to this sec-
23 tion for major disasters occurring in calendar year 2008
24 may exceed \$5,000,000, and may be equal to not more
25 than 50 percent of the annual operating budget of the
26 local government in any case in which that local govern-

1 ment has suffered a loss of 25 percent or more in tax reve-
2 nues.

3 FEDERAL LAW ENFORCEMENT TRAINING CENTER
4 ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND
5 RELATED EXPENSES

6 For an additional amount for “Acquisition, Construc-
7 tion, Improvements, and Related Expenses”, \$9,000,000,
8 to remain available until expended, for security upgrades
9 to the Federal Law Enforcement Training Center’s bor-
10 der-related training facilities.

11 CHAPTER 6
12 DEPARTMENT OF THE INTERIOR
13 BUREAU OF LAND MANAGEMENT
14 CONSTRUCTION

15 For an additional amount for “Construction”,
16 \$147,000,000, to remain available until September 30,
17 2010, of which \$114,000,000 shall be for deferred mainte-
18 nance projects, including the repair of earthen dams; of
19 which \$15,000,000 shall be for restoration and rehabilita-
20 tion of trails; and of which \$18,000,000 shall be for reme-
21 diation of abandoned mine sites: *Provided*, That the Sec-
22 retary shall utilize to the maximum extent possible the
23 Public Land Corps, the Youth Conservation Corps, and
24 other related partnerships with State, local, tribal or non-
25 profit groups that serve young adults.

1 UNITED STATES FISH AND WILDLIFE SERVICE

2 CONSTRUCTION

3 For an additional amount for “Construction”,
4 \$88,000,000, to remain available until September 30,
5 2010, for refuge and hatchery deferred maintenance
6 projects: *Provided*, That the Secretary shall utilize to the
7 maximum extent possible the Public Land Corps, the
8 Youth Conservation Corps, and other related partnerships
9 with State, local, tribal or nonprofit groups that serve
10 young adults.

11 NATIONAL PARK SERVICE

12 CONSTRUCTION

13 For an additional amount for “Construction”,
14 \$105,000,000, to remain available until September 30,
15 2010, of which \$45,000,000 shall be for deferred mainte-
16 nance projects; of which \$45,000,000 shall be for restora-
17 tion and rehabilitation of trails; and of which \$15,000,000
18 shall be for remediation of abandoned mine sites: *Pro-*
19 *vided*, That the Secretary shall utilize to the maximum ex-
20 tent possible the Public Land Corps, the Youth Conserva-
21 tion Corps, and other related partnerships with State,
22 local, tribal or nonprofit groups that serve young adults.

1 UNITED STATES GEOLOGICAL SURVEY

2 SURVEYS, INVESTIGATIONS, AND RESEARCH

3 For an additional amount for “Surveys, Investiga-
4 tions, and Research”, \$84,000,000, to remain available
5 until September 30, 2010, for repair and restoration of
6 facilities and other deferred maintenance projects.

7 BUREAU OF INDIAN AFFAIRS

8 CONSTRUCTION

9 For an additional amount for “Construction”,
10 \$200,000,000, to remain available until September 30,
11 2010, for repair and restoration of bureau-operated facili-
12 ties and other deferred maintenance projects.

13 ENVIRONMENTAL PROTECTION AGENCY

14 STATE AND TRIBAL ASSISTANCE GRANTS

15 For an additional amount for “State and Tribal As-
16 sistance Grants”, \$2,500,000,000, to remain available
17 until expended, of which \$1,750,000,000 shall be for mak-
18 ing capitalization grants for the Clean Water State Re-
19 volving Funds under title VI of the Federal Water Pollu-
20 tion Control Act, as amended; and of which \$750,000,000
21 shall be for making capitalization grants for the Drinking
22 Water State Revolving Funds under section 1452 of the
23 Safe Drinking Water Act, as amended: *Provided*, That
24 none of these funds shall be subject to State matching re-
25 quirements: *Provided further*, That of the amount made

1 available for the Clean Water State Revolving Fund, not
2 to exceed 1.5 percent may be set aside for grants to tribes
3 pursuant to section 518(c) of the Federal Water Pollution
4 Water Control Act.

5 DEPARTMENT OF AGRICULTURE

6 FOREST SERVICE

7 CAPITAL IMPROVEMENT AND MAINTENANCE

8 For an additional amount for “Capital Improvement
9 and Maintenance”, \$425,000,000, to remain available
10 until September 30, 2010, for deferred maintenance
11 projects, which may include remediation of abandoned
12 mine sites: *Provided*, That the Secretary shall utilize to
13 the maximum extent possible the Public Land Corps, the
14 Youth Conservation Corps, and other related partnerships
15 with State, local, tribal or nonprofit groups that serve
16 young adults.

17 SMITHSONIAN INSTITUTION

18 FACILITIES CAPITAL

19 For an additional amount for “Facilities Capital”,
20 \$93,500,000, to remain available until September 30,
21 2010, for deferred maintenance projects.

22 GENERAL PROVISION—THIS CHAPTER

23 SEC. 1601. Notwithstanding any other provision of
24 law, including section 152 of division A of H.R. 2638
25 (110th Congress), the Consolidated Security, Disaster As-

1 sistance, and Continuing Appropriations Act, 2009, the
2 terms and conditions contained in section 433 of division
3 F of Public Law 110–161 shall remain in effect for the
4 fiscal year ending September 30, 2009.

5 CHAPTER 7

6 DEPARTMENT OF LABOR

7 EMPLOYMENT AND TRAINING ADMINISTRATION

8 TRAINING AND EMPLOYMENT SERVICES

9 For an additional amount for “Training and Employ-
10 ment Services” under the Employment and Training Ad-
11 ministration, \$600,000,000, for youth activities and dis-
12 located worker activities authorized by the Workforce In-
13 vestment Act of 1998 (“WIA”): *Provided*, That
14 \$300,000,000 shall be for youth activities and available
15 through June 30, 2009: *Provided further*, That
16 \$300,000,000 shall be for dislocated worker employment
17 and training activities and available for the period July
18 1, 2008 through June 30, 2009: *Provided further*, That
19 no portion of funds available under this heading in this
20 Act shall be reserved to carry out section 127(b)(1)(A),
21 section 128(a), or section 133(a) of the WIA: *Provided*
22 *further*, That the work readiness performance indicator de-
23 scribed in section 136(b)(2)(A)(ii)(I) of the WIA shall be
24 the only measure of performance used to assess the effec-
25 tiveness of the youth activities, and that the performance

1 indicators in section 136(b)(2)(A)(i) of the WIA shall be
2 the measures of performance used to assess the effective-
3 ness of the dislocated worker activities funded with such
4 funds: *Provided further*, That, notwithstanding any other
5 provision of law, additional funds for youth activities pro-
6 vided by this Act shall be allotted as if the total amount
7 of funding available for youth activities in program year
8 2008 is less than \$1,000,000,000.

9 DEPARTMENT OF HEALTH AND HUMAN
10 SERVICES

11 CENTERS FOR DISEASE CONTROL AND PREVENTION

12 DISEASE CONTROL, RESEARCH, AND TRAINING

13 For an additional amount for “Disease Control, Re-
14 search, and Training”, \$46,000,000, of which
15 \$20,000,000 shall be to continue and expand investiga-
16 tions to determine the root causes of disease clusters, in-
17 cluding but not limited to polycythemia vera clusters; of
18 which \$21,000,000 shall be for the prevention of and re-
19 sponse to medical errors including research, education and
20 outreach activities; and of which \$5,000,000 shall be for
21 responding to outbreaks of communicable diseases related
22 to the re-use of syringes in outpatient clinics, including
23 reimbursement of local health departments for testing and
24 genetic sequencing of persons potentially exposed.

1 NATIONAL INSTITUTES OF HEALTH

2 OFFICE OF THE DIRECTOR

3 (INCLUDING TRANSFER OF FUNDS)

4 For an additional amount for “Office of the Direc-
5 tor”, \$1,000,000,000, which shall be transferred to the In-
6 stitutes and Centers of the National Institutes of Health
7 and to the Common Fund established under section
8 402A(c)(1) of the Public Health Service Act in proportion
9 to the appropriations otherwise made to such Institutes,
10 Centers, and Common Fund for fiscal year 2008: *Pro-*
11 *vided*, That funds shall be used to support additional sci-
12 entific research and be available for the same purposes
13 as the appropriation or fund to which transferred: *Pro-*
14 *vided further*, That this transfer authority is in addition
15 to any other transfer authority available to the National
16 Institutes of Health: *Provided further*, That none of these
17 funds may be transferred to “National Institutes of
18 Health—Buildings and Facilities”, the Center for Sci-
19 entific Review, the Center for Information Technology, the
20 Clinical Center, the Global Fund for HIV/AIDS, Tuber-
21 culosis and Malaria, or the Office of the Director (except
22 for the transfer to the Common Fund).

23 ADMINISTRATION FOR CHILDREN AND FAMILIES

24 CHILDREN AND FAMILIES SERVICES PROGRAMS

25 For an additional amount for “Children and Families
26 Services Programs” for carrying out activities under sec-

1 tions 674 through 679 of the Community Services Block
2 Grant Act, \$200,000,000, of which no part shall be sub-
3 ject to paragraph (3) of section 674(b) of such Act.

4 ADMINISTRATION ON AGING

5 AGING SERVICES PROGRAMS

6 For an additional amount for “Aging Services Pro-
7 grams”, \$60,000,000, of which \$40,750,000 shall be for
8 Congregate Nutrition Services and \$19,250,000 shall be
9 for Home-Delivered Nutrition Services.

10 OFFICE OF THE SECRETARY

11 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

12 FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for the “Public Health and
15 Social Services Emergency Fund” to support activities re-
16 lated to countering potential biological, nuclear, radio-
17 logical and chemical threats to civilian populations, and
18 for other public health emergencies, \$542,000,000: *Pro-*
19 *vided*, That \$473,000,000 is for advanced research and
20 development of medical countermeasures and ancillary
21 products: *Provided further*, That \$50,000,000 is available
22 to support the delivery of medical countermeasures, of
23 which up to \$20,000,000 may be made available to the
24 United States Postal Service to support such delivery.

25 For an additional amount for the “Public Health and
26 Social Services Emergency Fund” to prepare for and re-

1 spond to an influenza pandemic, \$363,000,000, for activi-
2 ties including the development and purchase of vaccine,
3 antivirals, necessary medical supplies, diagnostics, and
4 other surveillance tools: *Provided*, That products pur-
5 chased with these funds may, at the discretion of the Sec-
6 retary, be deposited in the Strategic National Stockpile:
7 *Provided further*, That notwithstanding section 496(b) of
8 the Public Health Service Act, funds may be used for the
9 construction or renovation of privately owned facilities for
10 the production of pandemic influenza vaccines and other
11 biologics, where the Secretary finds such a contract nec-
12 essary to secure sufficient supplies of such vaccines or bio-
13 logics: *Provided further*, That funds appropriated herein
14 may be transferred to other appropriation accounts of the
15 Department of Health and Human Services, as deter-
16 mined by the Secretary to be appropriate, to be used for
17 the purposes specified in this sentence.

18 DEPARTMENT OF EDUCATION

19 For carrying out section 1702 of this Act,
20 \$2,500,000,000, which shall be available for obligation
21 from July 1, 2008 through September 30, 2009.

22 SCHOOL IMPROVEMENT PROGRAMS

23 For an additional amount for “School Improvement
24 Programs”, \$36,000,000, for carrying out activities au-
25 thorized by subtitle B of title VII of the McKinney-Vento
26 Homeless Assistance Act: *Provided*, That the Secretary

1 shall make such funds available on a competitive basis to
2 local educational agencies that demonstrate a high need
3 for such assistance.

4 GENERAL PROVISIONS—THIS CHAPTER

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

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

13 “(a) STUDY.—Beginning on the date that is 60 days
14 after the date of enactment of this Act, and every year
15 thereafter until the minimum wage in the respective terri-
16 tory is \$7.25 per hour, the Government Accountability Of-
17 fice shall conduct a study to—

18 “(1) assess the impact of the minimum wage
19 increases that occurred in American Samoa and the
20 Commonwealth of the Northern Mariana Islands in
21 2007 and 2008, as required under Public Law 110–
22 28, on the rates of employment and the living stand-
23 ards of workers, with full consideration of the other
24 factors that impact rates of employment and the liv-

1 ing standards of workers such as inflation in the
2 cost of food, energy, and other commodities; and

3 “(2) estimate the impact of any further wage
4 increases on rates of employment and the living
5 standards of workers in American Samoa and the
6 Commonwealth of the Northern Mariana Islands,
7 with full consideration of the other factors that may
8 impact the rates of employment and the living
9 standards of workers, including assessing how the
10 profitability of major private sector firms may be
11 impacted by wage increases in comparison to other
12 factors such as energy costs and the value of tax
13 benefits.

14 “(b) REPORT.—No earlier than March 15, 2009, and
15 not later than April 15, 2009, the Government Account-
16 ability Office shall transmit its first report to Congress
17 concerning the findings of the study required under sub-
18 section (a). The Government Accountability Office shall
19 transmit any subsequent reports to Congress concerning
20 the findings of a study required by subsection (a) between
21 March 15 and April 15 of each year.

22 “(c) ECONOMIC INFORMATION.—To provide suffi-
23 cient economic data for the conduct of the study under
24 subsection (a)—

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

5 “(2) the Bureau of Economic Analysis of the
6 Department of Commerce shall include and sepa-
7 rately report on American Samoa and the Common-
8 wealth of the Northern Mariana Islands in its gross
9 domestic product data; and

10 “(3) the Bureau of the Census of the Depart-
11 ment of Commerce shall include and separately re-
12 port on American Samoa and the Commonwealth of
13 the Northern Mariana Islands in its population esti-
14 mates and demographic profiles from the American
15 Community Survey,

16 with the same regularity and to the same extent as the
17 Department or each Bureau collects and reports such data
18 for the 50 States. In the event that the inclusion of Amer-
19 ican Samoa and the Commonwealth of the Northern Mar-
20 iana Islands in such surveys and data compilations re-
21 quires time to structure and implement, the Department
22 of Labor, the Bureau of Economic Analysis, and the Bu-
23 reau of the Census (as the case may be) shall in the in-
24 terim annually report the best available data that can fea-
25 sibly be secured with respect to such territories. Such in-

1 terim reports shall describe the steps the Department or
2 the respective Bureau will take to improve future data col-
3 lection in the territories to achieve comparability with the
4 data collected in the United States. The Department of
5 Labor, the Bureau of Economic Analysis, and the Bureau
6 of the Census, together with the Department of the Inte-
7 rior, shall coordinate their efforts to achieve such improve-
8 ments.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 this section shall take effect on the date of enactment of
11 this Act.

12 SEC. 1702. GRANTS FOR SCHOOL RENOVATION. (a)
13 ALLOCATION OF FUNDS.—

14 (1) RESERVATION.—From the funds appro-
15 priated to carry out this section for a fiscal year, the
16 Secretary shall reserve 1 percent to provide assist-
17 ance under this section to the outlying areas and for
18 payments to the Secretary of the Interior to provide
19 assistance consistent with this section to schools
20 funded by the Bureau of Indian Education. Funds
21 reserved under this subsection shall be distributed
22 by the Secretary among the outlying areas and the
23 Secretary of the Interior on the basis of their rel-
24 ative need, as determined by the Secretary, in ac-
25 cordance with the purposes of this section.

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

14 (b) WITHIN-STATE ALLOCATIONS.—

15 (1) ADMINISTRATIVE COSTS.—

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

23 (B) REQUIRED USES.—The State edu-
24 cational agency shall use a portion of the re-
25 served funds to establish or support a State-

1 level database of public school facility inventory,
2 condition, design, and utilization.

3 (C) STATE ENTITY ADMINISTRATION.—If
4 the State educational agency transfers funds to
5 a State entity described in paragraph (2)(A),
6 the State educational agency shall transfer to
7 such entity 0.75 of the amount reserved under
8 this paragraph for the purpose of administering
9 the distribution of grants under this subsection.

10 (2) RESERVATION FOR COMPETITIVE SCHOOL
11 REPAIR AND RENOVATION GRANTS TO LOCAL EDU-
12 CATIONAL AGENCIES.—

13 (A) IN GENERAL.—Subject to the reserva-
14 tion under paragraph (1), of the funds allocated
15 to a State educational agency under subsection
16 (a)(2), the State educational agency shall dis-
17 tribute 100 percent of such funds to local edu-
18 cational agencies or, if such State educational
19 agency is not responsible for the financing of
20 education facilities, the State educational agen-
21 cy shall transfer such funds to the State entity
22 responsible for the financing of education facili-
23 ties (referred to in this section as the “State
24 entity”) for distribution by such entity to local
25 educational agencies in accordance with this

1 paragraph, to be used, consistent with sub-
2 section (c), for school repair and renovation.

3 (B) COMPETITIVE GRANTS TO LOCAL EDU-
4 CATIONAL AGENCIES.—The State educational
5 agency or State entity shall carry out a pro-
6 gram awarding grants, on a competitive basis,
7 to local educational agencies for the purpose de-
8 scribed in subparagraph (A). Of the total
9 amount available for distribution to local edu-
10 cational agencies under this paragraph, the
11 State educational agency or State entity, shall,
12 in carrying out the grant competition—

13 (i) award to high-need local edu-
14 cational agencies, in the aggregate, at least
15 an amount which bears the same relation-
16 ship to such total amount as the aggregate
17 amount such high-need local educational
18 agencies received under part A of title I of
19 the Elementary and Secondary Education
20 Act of 1965 (20 U.S.C. 6311 et seq.) for
21 fiscal year 2008 bears to the aggregate
22 amount received for such fiscal year under
23 such part by all local educational agencies
24 in the State;

1 (ii) award to rural local educational
2 agencies in the State, in the aggregate, at
3 least an amount which bears the same re-
4 lationship to such total amount as the ag-
5 gregate amount such rural local edu-
6 cational agencies received under such part
7 for fiscal year 2008 bears to the aggregate
8 amount received for such fiscal year under
9 such part by all local educational agencies
10 in the State; and

11 (iii) award the remaining funds to
12 local educational agencies not receiving an
13 award under clause (i) or (ii), including
14 high-need local educational agencies and
15 rural local educational agencies that did
16 not receive such an award.

17 (C) CRITERIA FOR AWARDING GRANTS.—

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

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

1 (ii) NEED FOR SCHOOL REPAIR AND
2 RENOVATION.—The need of a local edu-
3 cational agency for school repair and ren-
4 ovation, as demonstrated by the condition
5 of the public school facilities of the local
6 educational agency.

7 (iii) FISCAL CAPACITY.—The fiscal ca-
8 pacity of a local educational agency to
9 meet the needs of the local educational
10 agency for repair and renovation of public
11 school facilities without assistance under
12 this section, including the ability of the
13 local educational agency to raise funds
14 through the use of local bonding capacity
15 and otherwise.

16 (iv) CHARTER SCHOOL ACCESS TO
17 FUNDING.—In the case of a local edu-
18 cational agency that proposes to fund a re-
19 pair or renovation project for a charter
20 school, the extent to which the school has
21 access to funding for the project through
22 the financing methods available to other
23 public schools or local educational agencies
24 in the State.

1 (v) LIKELIHOOD OF MAINTAINING
2 THE FACILITY.—The likelihood that the
3 local educational agency will maintain, in
4 good condition, any facility whose repair or
5 renovation is assisted under this section.

6 (D) MATCHING REQUIREMENT.—

7 (i) IN GENERAL.—A State educational
8 agency or State entity shall require local
9 educational agencies to match funds
10 awarded under this subsection.

11 (ii) MATCH AMOUNT.—The amount of
12 a match described in clause (i) may be es-
13 tablished by using a sliding scale that
14 takes into account the relative poverty of
15 the population served by the local edu-
16 cational agency.

17 (c) RULES APPLICABLE TO SCHOOL REPAIR AND
18 RENOVATION.—With respect to funds made available
19 under this section that are used for school repair and ren-
20 ovation, the following rules shall apply:

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

24 (A) EMERGENCY REPAIRS OR RENOVA-
25 TIONS.—Emergency repairs or renovations to

1 public school facilities only to ensure the health
2 and safety of students and staff, including—

3 (i) repairing, replacing, or installing
4 roofs, windows, doors, electrical wiring,
5 plumbing systems, or sewage systems;

6 (ii) repairing, replacing, or installing
7 heating, ventilation, or air conditioning
8 systems (including insulation); and

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

11 (B) MODIFICATIONS FOR COMPLIANCE
12 WITH THE AMERICANS WITH DISABILITIES ACT
13 OF 1990.—School facilities modifications nec-
14 essary to render public school facilities acces-
15 sible in order to comply with the Americans
16 with Disabilities Act of 1990 (42 U.S.C. 12101
17 et seq.).

18 (C) MODIFICATIONS FOR COMPLIANCE
19 WITH SECTION 504 OF THE REHABILITATION
20 ACT OF 1973.—School facilities modifications
21 necessary to render public school facilities ac-
22 cessible in order to comply with section 504 of
23 the Rehabilitation Act of 1973 (29 U.S.C. 794).

1 (D) ASBESTOS ABATEMENT OR RE-
2 MOVAL.—Asbestos abatement or removal from
3 public school facilities.

4 (E) CHARTER SCHOOL BUILDING INFRA-
5 STRUCTURE.—Renovation and repair needs re-
6 lated to the building infrastructure of a charter
7 school.

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

10 (A) payment of maintenance costs in con-
11 nection with any projects constructed in whole
12 or part with Federal funds provided under this
13 section;

14 (B) the construction of new facilities; or

15 (C) stadiums or other facilities primarily
16 used for athletic contests or exhibitions or other
17 events for which admission is charged to the
18 general public.

19 (3) SUPPLEMENT, NOT SUPPLANT.—Excluding
20 the uses described in subparagraphs (B) and (C) of
21 paragraph (1), a local educational agency shall use
22 Federal funds subject to this subsection only to sup-
23 plement the amount of funds that would, in the ab-
24 sence of such Federal funds, be made available from

1 non-Federal sources for school repair and renova-
2 tion.

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

10 (e) REPORTING.—

11 (1) LOCAL REPORTING.—Each local educational
12 agency receiving funds made available under sub-
13 section (a)(2) shall submit a report to the State edu-
14 cational agency, at such time as the State edu-
15 cational agency may require, describing the use of
16 such funds for school repair and renovation.

17 (2) STATE REPORTING.—Each State edu-
18 cational agency receiving funds made available under
19 subsection (a)(2) shall submit to the Secretary, not
20 later than December 31, 2010, a report on the use
21 of funds received under subsection (a)(2) and made
22 available to local educational agencies for school re-
23 pair and renovation.

24 (f) REALLOCATION.—If a State educational agency
25 does not apply for an allocation of funds under subsection

1 (a)(2) for a fiscal year, or does not use its entire allocation
2 for such fiscal year, then the Secretary may reallocate the
3 amount of the State educational agency's allocation (or
4 the remainder thereof, as the case may be) for such fiscal
5 year to the remaining State educational agencies in ac-
6 cordance with subsection (a)(2).

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

8 (1) CHARTER SCHOOL.—The term “charter
9 school” has the meaning given the term in section
10 5210 of the Elementary and Secondary Education
11 Act of 1965 (20 U.S.C. 7221i).

12 (2) HIGH-NEED LOCAL EDUCATIONAL AGEN-
13 CY.—The term “high-need local educational agency”
14 has the meaning given the term in section
15 2102(3)(A) of such Act (20 U.S.C. 6602(3)(A)).

16 (3) LOCAL EDUCATIONAL AGENCY; SECRETARY;
17 STATE EDUCATIONAL AGENCY.—The terms “local
18 educational agency”, “Secretary”, and “State edu-
19 cational agency” have the meanings given the terms
20 in section 9101 of such Act (20 U.S.C. 7801).

21 (4) OUTLYING AREA.—The term “outlying
22 area” has the meaning given the term in section
23 1121(c) of such Act (20 U.S.C. 6331(c)).

24 (5) POOR CHILDREN.—The term “poor chil-
25 dren” refers to children 5 to 17 years of age, inclu-

1 sive, who are from families with incomes below the
2 poverty line (as defined by the Office of Manage-
3 ment and Budget and revised annually in accordance
4 with section 673(2) of the Community Services
5 Block Grant Act (42 U.S.C. 9902(2)) applicable to
6 a family of the size involved for the most recent fis-
7 cal year for which data satisfactory to the Secretary
8 are available.

9 (6) RURAL LOCAL EDUCATIONAL AGENCY.—

10 The term “rural local educational agency” means a
11 local educational agency that the State determines is
12 located in a rural area using objective data and a
13 commonly employed definition of the term “rural”.

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

17 SEC. 1703. RESTORATION OF ACCESS TO NOMINAL
18 DRUG PRICING FOR CERTAIN CLINICS AND HEALTH CEN-
19 TERS. (a) IN GENERAL.—Section 1927(c)(1)(D) of the
20 Social Security Act (42 U.S.C. §1396r-8(c)(1)(D)), as
21 added by section 6001(d)(2) of the Deficit Reduction Act
22 of 2005 (Public Law 109–171), is amended—

23 (1) in clause (i)—

24 (A) by redesignating subclause (IV) as
25 subclause (VI); and

1 (B) by inserting after subclause (III) the
2 following:

3 “(IV) An entity that—

4 “(aa) is described in section
5 501(c)(3) of the Internal Rev-
6 enue Code of 1986 and exempt
7 from tax under section 501(a) of
8 such Act or is State-owned or op-
9 erated; and

10 “(bb) would be a covered en-
11 tity described in section
12 340(B)(a)(4) of the Public
13 Health Service Act insofar as the
14 entity provides the same type of
15 services to the same type of pop-
16 ulations as a covered entity de-
17 scribed in such section provides,
18 but does not receive funding
19 under a provision of law referred
20 to in such section.

21 “(V) A public or nonprofit entity,
22 or an entity based at an institution of
23 higher learning whose primary pur-
24 pose is to provide health care services
25 to students of that institution, that

1 provides a service or services de-
2 scribed under section 1001(a) of the
3 Public Health Service Act.”; and

4 (2) by adding at the end the following new
5 clause:

6 “(iv) RULE OF CONSTRUCTION.—
7 Nothing in this subparagraph shall be con-
8 strued to alter any existing statutory or
9 regulatory prohibition on services with re-
10 spect to an entity described in subclause
11 (IV) or (V) of clause (i), including the pro-
12 hibition set forth in section 1008 of the
13 Public Health Service Act.”.

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

18 CHAPTER 8

19 DEPARTMENT OF DEFENSE

20 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

21 For an additional amount for “Military Construction,
22 Navy and Marine Corps”, \$75,000,000, to remain avail-
23 able until expended, for the planning, design, and con-
24 struction of child development centers: *Provided*, That not-
25 withstanding any other provision of law, such funds may

1 be obligated and expended to carry out planning and de-
2 sign and construction not otherwise authorized by law:
3 *Provided further*, That within 30 days of enactment of this
4 Act, the Secretary of the Navy shall submit to the Com-
5 mittees on Appropriations of both Houses of Congress an
6 expenditure plan for funds provided under this heading.

7 FAMILY HOUSING CONSTRUCTION, ARMY

8 For an additional amount for “Family Housing Con-
9 struction, Army”, \$50,000,000, to remain available until
10 expended, for military family housing construction and im-
11 provements: *Provided*, That notwithstanding any other
12 provision of law, such funds may be obligated and ex-
13 pended to carry out planning and design and construction
14 not otherwise authorized by law: *Provided further*, That
15 within 30 days of enactment of this Act, the Secretary
16 of the Army shall submit to the Committees on Appropria-
17 tions of both Houses of Congress an expenditure plan for
18 funds provided under this heading.

19 FAMILY HOUSING CONSTRUCTION, AIR FORCE

20 For an additional amount for “Family Housing Con-
21 struction, Air Force”, \$125,000,000, to remain available
22 until expended, for military family housing construction
23 and improvements: *Provided*, That notwithstanding any
24 other provision of law, such funds may be obligated and
25 expended to carry out planning and design and construc-

1 tion not otherwise authorized by law: *Provided further*,
2 That within 30 days of enactment of this Act, the Sec-
3 retary of the Air Force shall submit to the Committees
4 on Appropriations of both Houses of Congress an expendi-
5 ture plan for funds provided under this heading.

6 GENERAL PROVISION—THIS CHAPTER

7 SEC. 1801. PAYMENTS TO ELIGIBLE PERSONS WHO
8 SERVED IN THE UNITED STATES ARMY FORCES IN THE
9 FAR EAST DURING WORLD WAR II. (a) FINDINGS.—Con-
10 gress makes the following findings:

11 (1) The Philippine islands became a United
12 States possession in 1898 when they were ceded
13 from Spain following the Spanish-American War.

14 (2) During World War II, Filipinos served in a
15 variety of units, some of which came under the di-
16 rect control of the United States Armed Forces.

17 (3) The regular Philippine Scouts, the new
18 Philippine Scouts, the Guerilla Services, and more
19 than 100,000 members of the Philippine Common-
20 wealth Army were called into the service of the
21 United States Armed Forces of the Far East on
22 July 26, 1941, by an executive order of President
23 Franklin D. Roosevelt.

24 (4) Even after hostilities had ceased, wartime
25 service of the new Philippine Scouts continued as a

1 matter of law until the end of 1946, and the force
2 gradually disbanded and was disestablished in 1950.

3 (5) Filipino veterans who were granted benefits
4 prior to the enactment of the so-called Rescissions
5 Acts of 1946 (Public Laws 79-301 and 79-391)
6 currently receive full benefits under laws adminis-
7 tered by the Secretary of Veterans Affairs, but
8 under section 107 of title 38, United States Code,
9 the service of certain other Filipino veterans is
10 deemed not to be active service for purposes of such
11 laws.

12 (6) These other Filipino veterans only receive
13 certain benefits under title 38, United States Code,
14 and, depending on where they legally reside, are paid
15 such benefit amounts at reduced rates.

16 (7) The benefits such veterans receive include
17 service-connected compensation benefits paid under
18 chapter 11 of title 38, United States Code, depend-
19 ency indemnity compensation survivor benefits paid
20 under chapter 13 of title 38, United States Code,
21 and burial benefits under chapters 23 and 24 of title
22 38, United States Code, and such benefits are paid
23 to beneficiaries at the rate of \$0.50 per dollar au-
24 thorized, unless they lawfully reside in the United
25 States.

1 (8) Dependents' educational assistance under
2 chapter 35 of title 38, United States Code, is also
3 payable for the dependents of such veterans at the
4 rate of \$0.50 per dollar authorized, regardless of the
5 veterans' residency.

6 (b) COMPENSATION FUND.—

7 (1) IN GENERAL.—There is in the general fund
8 of the Treasury a fund to be known as the “Filipino
9 Veterans Equity Compensation Fund” (in this sec-
10 tion referred to as the “compensation fund”).

11 (2) AVAILABILITY OF FUNDS.—Subject to the
12 availability of appropriations for such purpose,
13 amounts in the compensation fund shall be available
14 to the Secretary of Veterans Affairs without fiscal
15 year limitation to make payments to eligible persons
16 in accordance with this section.

17 (c) PAYMENTS.—

18 (1) IN GENERAL.—During the one-year period
19 beginning on the date of the enactment of this Act,
20 the Secretary shall make a payment to an eligible
21 person who, during such period, submits to the Sec-
22 retary an application containing such information
23 and assurances as the Secretary may require.

24 (2) PAYMENT TO SURVIVING SPOUSE.—If an el-
25 igible person dies during the period described in

1 paragraph (1) before payment is made to the eligible
2 person under this section, the payment otherwise to
3 be made to the eligible person under this section
4 shall be made instead to the surviving spouse of the
5 eligible person.

6 (d) ELIGIBLE PERSONS.—An eligible person is any
7 person who served—

8 (1) before July 1, 1946, in the organized mili-
9 tary forces of the Government of the Commonwealth
10 of the Philippines, while such forces were in the
11 service of the Armed Forces of the United States
12 pursuant to the military order of the President
13 dated July 26, 1941, including among such military
14 forces organized guerrilla forces under commanders
15 appointed, designated, or subsequently recognized by
16 the Commander in Chief, Southwest Pacific Area, or
17 other competent authority in the Army of the United
18 States; or

19 (2) in the Philippine Scouts under section 14 of
20 the Armed Forces Voluntary Recruitment Act of
21 1945 (59 Stat. 538).

22 (e) PAYMENT AMOUNTS.—Each payment under this
23 section shall be—

1 (1) in the case of an eligible person who is not
2 a citizen of the United States, in the amount of
3 \$9,000; and

4 (2) in the case of an eligible person who is a
5 citizen of the United States, in the amount of
6 \$15,000.

7 (f) LIMITATION.—The Secretary may not make more
8 than one payment under this section for each person de-
9 scribed in subsection (d).

10 (g) CLARIFICATION OF TREATMENT OF PAYMENTS
11 UNDER CERTAIN LAWS.—Amounts paid to a person
12 under this section—

13 (1) shall be treated for purposes of the internal
14 revenue laws of the United States as damages for
15 human suffering; and

16 (2) shall not be included in income or resources
17 for purposes of determining—

18 (A) eligibility of an individual to receive
19 benefits described in section 3803(c)(2)(C) of
20 title 31, United States Code, or the amount of
21 such benefits; or

22 (B) eligibility of an individual to receive
23 benefits under title II or VIII of the Social Se-
24 curity Act, or the amount of such benefits.

25 (h) RELEASE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the acceptance by an eligible person of a
3 payment under this section shall be final, and shall
4 constitute a complete release of any claim against
5 the United States by reason of any service described
6 in subsection (d).

7 (2) PAYMENT OF PREVIOUSLY AWARDED BENE-
8 FITS.—Nothing in this section shall prohibit a per-
9 son from receiving any benefit to which the person
10 is entitled based on a claim for which benefits are
11 awarded before the date of the enactment of this
12 Act, including on a claim for medical care and nurs-
13 ing care benefits, burial benefits, and any other ben-
14 efits to which the person is entitled by law.

15 (i) RECOGNITION OF SERVICE.—The service of a per-
16 son as described in subsection (d) is hereby recognized as
17 active military service in the Armed Forces for purposes
18 of, and to the extent provided in, this section.

19 (j) REPORTS.—The Secretary shall include, in docu-
20 ments submitted to Congress by the Secretary in support
21 of the President's budget for each fiscal year in which pay-
22 ments are made from the compensation fund under this
23 section, detailed information on the operation of the com-
24 pensation fund, including the number of applicants, the
25 number of eligible persons receiving benefits, the amounts

1 paid out of the compensation fund, and the administration
2 of the compensation fund.

3 (k) REGULATIONS.—Not later than 90 days after the
4 date of the enactment of this Act, the Secretary shall pre-
5 scribe regulations to carry out this section.

6 (l) AUTHORIZATION OF APPROPRIATION.—There is
7 authorized to be appropriated to the compensation fund
8 \$198,000,000, to remain available until expended, to make
9 payments under this section.

10 CHAPTER 9
11 DEPARTMENT OF TRANSPORTATION
12 FEDERAL AVIATION ADMINISTRATION
13 SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT
14 INVESTMENT

15 For an additional amount for capital expenditures
16 authorized under section 47102(3) of title 49, United
17 States Code, \$500,000,000: *Provided*, That the Secretary
18 of Transportation shall distribute funds provided under
19 this heading as discretionary grants to airports that dem-
20 onstrate to his or her satisfaction their ability to obligate
21 these funds within 180 days of the date of such distribu-
22 tion and shall serve to supplement and not supplant
23 planned expenditures from airport-generated revenues or
24 from other State and local sources on such activities: *Pro-*
25 *vided further*, That no funds provided under this heading

1 shall be used for activities not identified on an airport lay-
2 out plan: *Provided further*, That the Federal share payable
3 of the costs for which a grant is made under this heading
4 shall be 100 percent: *Provided further*, That the amount
5 made available under this heading shall not be subject to
6 any limitation on obligations for the Grants-in-Aid for Air-
7 ports program set forth in any Act: *Provided further*, That
8 projects conducted using funds provided under this head-
9 ing must comply with the requirements of subchapter IV
10 of chapter 31 of title 40, United States Code.

11 FEDERAL HIGHWAY ADMINISTRATION

12 SUPPLEMENTAL GRANTS TO STATES FOR FEDERAL-AID

13 HIGHWAY INVESTMENT

14 For an additional amount for restoration, repair, con-
15 struction and other activities eligible under paragraph (b)
16 of section 133 of title 23, United States Code,
17 \$10,000,000,000: *Provided*, That the Secretary of Trans-
18 portation shall transfer \$2,000,000 to the Inspector Gen-
19 eral of the Department of Transportation for costs associ-
20 ated with audits and investigations of projects and activi-
21 ties carried out with funds made available to the Depart-
22 ment of Transportation in this Act: *Provided further*, That
23 after making such transfer, the remaining funds provided
24 under this heading shall be apportioned to States using
25 the formula set forth in section 104(b)(3) of such title:

1 *Provided further*, That funding provided under this head-
2 ing shall be in addition to any and all funds provided for
3 fiscal years 2008 and 2009 in any other Act for “Federal-
4 aid Highways” and shall not affect the distribution of
5 funds provided for “Federal-aid Highways” in any other
6 Act: *Provided further*, That the Secretary of Transpor-
7 tation shall institute measures to ensure that funds pro-
8 vided under this heading shall be obligated within 180
9 days of the date of their apportionment: *Provided further*,
10 That 180 days following the date of such apportionment,
11 the Secretary shall withdraw and redistribute any unobli-
12 gated funds utilizing whatever method he or she deems
13 appropriate to ensure that all funds provided under this
14 heading shall be obligated promptly: *Provided further*,
15 That the Federal share payable on account of any project
16 or activity carried out with funds made available under
17 this heading shall be 100 percent of the total cost thereof:
18 *Provided further*, That the amount made available under
19 this heading shall not be subject to any limitation on obli-
20 gations for Federal-aid highways or highway safety con-
21 struction programs set forth in any Act: *Provided further*,
22 That projects conducted using funds provided under this
23 heading must comply with the requirements of subchapter
24 IV of chapter 31 of title 40, United States Code: *Provided*
25 *further*, That for the purposes of the definition of States

1 for this paragraph, sections 101(a)(32) of title 23, United
2 States Code, shall apply.

3 SUPPLEMENTAL GRANTS TO STATES FOR FERRY

4 TRANSPORTATION INVESTMENT

5 For an additional amount for capital expenditures eli-
6 gible under section 147 of title 23, United States Code,
7 \$60,000,000: *Provided*, That the Secretary of Transpor-
8 tation shall distribute funds provided under this heading
9 as discretionary grants to States, with the highest priority
10 given to those projects that demonstrate to his or her sat-
11 isfaction their ability to obligate these funds within 180
12 days of the date of such distribution: *Provided further*,
13 That the Federal share payable of the costs for which a
14 grant is made under this heading shall be 100 percent:
15 *Provided further*, That the amount made available under
16 this heading shall not be subject to any limitation on obli-
17 gations for the Federal-aid highways or highway safety
18 construction programs set forth in any Act: *Provided fur-*
19 *ther*, That projects conducted using funds provided under
20 this heading must comply with the requirements of sub-
21 chapter IV of chapter 31 of title 40, United States Code.

22 FEDERAL RAILROAD ADMINISTRATION

23 SUPPLEMENTAL GRANTS TO STATES FOR INTERCITY

24 PASSENGER RAIL SERVICE

25 For an additional amount for grants to States to pay
26 for the cost of projects described in paragraph (2)(A) and

1 (2)(B) of section 24401 and subsection (b) of section
2 24105 of title 49, United States Code, \$100,000,000: *Pro-*
3 *vided*, That to be eligible for assistance under this para-
4 graph, the specific project must be on the Statewide
5 Transportation Improvement Plan at the time of the ap-
6 plication to qualify: *Provided further*, That the Secretary
7 of Transportation shall give priority to projects that dem-
8 onstrate an ability to obligate funds within 180 days of
9 the date of enactment of this Act and to projects that im-
10 prove the safety and reliability of intercity passenger
11 trains: *Provided further*, That the Federal share payable
12 of the costs for which a grant is made under this heading
13 shall be 100 percent: *Provided further*, That projects con-
14 ducted using funds provided under this heading must com-
15 ply with the requirements of subchapter IV of chapter 31
16 of title 40, United States Code.

17 SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL
18 RAILROAD PASSENGER CORPORATION

19 For an additional amount for the immediate invest-
20 ment in capital projects necessary to maintain and im-
21 prove national intercity passenger rail service,
22 \$400,000,000: *Provided*, That funds made available under
23 this heading shall be allocated directly to the corporation
24 for the purpose of immediate investment in capital
25 projects including the rehabilitation of rolling stock for the
26 purpose of expanding passenger rail capacity: *Provided*

1 *further*, that the Board of Directors shall take measures
2 to ensure that funds provided under this heading shall be
3 obligated within 180 days of the enactment of this Act
4 and shall serve to supplement and not supplant planned
5 expenditures for such activities from other Federal, State,
6 local and corporate sources: *Provided further*, That said
7 Board of Directors shall certify to the House and Senate
8 Committees on Appropriations in writing their compliance
9 with the preceding proviso: *Provided further*, That not
10 more than 50 percent of the funds provided under this
11 heading may be used for capital projects along the North-
12 east Corridor.

13 FEDERAL TRANSIT ADMINISTRATION

14 SUPPLEMENTAL DISCRETIONARY GRANTS FOR PUBLIC

15 TRANSIT INVESTMENT

16 For an additional amount for capital expenditures
17 authorized under section 5302(a)(1) of title 49, United
18 States Code, \$2,500,000,000: *Provided*, That the Sec-
19 retary of Transportation shall apportion funds provided
20 under this heading based on the formula set forth in sub-
21 sections (a) through (c) of section 5336 of title 49, United
22 States Code: *Provided further*, That the Secretary shall
23 take such measures necessary to ensure that the minimum
24 amount of funding distributed under this heading to any
25 individual transit authority shall not be less than

1 \$100,000: *Provided further*, That the Secretary of Trans-
2 portation shall institute measures to ensure that funds
3 provided under this heading shall be obligated within 180
4 days of the date of their apportionment: *Provided further*,
5 That 180 days following the date of such apportionment,
6 the Secretary shall withdraw and redistribute any unobli-
7 gated funds utilizing whatever method he or she deems
8 appropriate to ensure that all funds provided under this
9 paragraph shall be obligated promptly: *Provided further*,
10 That the Secretary of Transportation shall make such
11 funds available to pay for operating expenses to the extent
12 that a transit authority demonstrates to his or her satis-
13 faction that such funds are necessary to continue current
14 services or expand such services to meet increased rider-
15 ship: *Provided further*, That the Federal share of the costs
16 for which a grant is made under this heading shall be 100
17 percent: *Provided further*, That the amount made available
18 under this heading shall not be subject to any limitation
19 on obligations for transit programs set forth in any Act:
20 *Provided further*, That the funds appropriated under this
21 heading shall be subject to section 5333(a) of title 49,
22 United States Code but shall not be comingled with funds
23 available under the Formula and Bus Grants account.

1 MARITIME ADMINISTRATION

2 SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL

3 SHIPYARDS

4 For an additional amount to make grants to qualified
5 shipyards as authorized under section 3506 of Public Law
6 109–163 or section 54101 of title 46, United States Code,
7 \$60,000,000: *Provided*, That the Secretary of Transpor-
8 tation shall institute measures to ensure that funds pro-
9 vided under this heading shall be obligated within 180
10 days of the date of their distribution.

11 DEPARTMENT OF HOUSING AND URBAN

12 DEVELOPMENT

13 SUPPLEMENTAL GRANTS TO PUBLIC HOUSING

14 AGENCIES FOR CAPITAL NEEDS

15 For an additional amount for discretionary grants to
16 public housing agencies for capital expenditures permitted
17 under section 9(d)(1) of the United States Housing Act
18 of 1937, as amended, \$700,000,000: *Provided*, That in al-
19 locating discretionary grants under this paragraph, the
20 Secretary of Housing and Urban Development shall give
21 priority consideration to housing agencies that have
22 projects that are ready-to-go, as well as projects resulting
23 in the rehabilitation of vacant rental units or improved
24 energy efficiency: *Provided further*, That the Secretary
25 may also give priority to projects that require additional

1 capital to complete development transactions stalled by
2 changes in the low-income housing tax credit and housing
3 bond markets: *Provided further*, That the Secretary shall
4 not provide any additional priority to any housing agency
5 that is under the receivership of the Department and no
6 housing agency shall receive more than 5 percent of the
7 total amount provided: *Provided further*, That notwith-
8 standing any other provision of law, the Secretary shall
9 institute measures to ensure that funds provided under
10 this paragraph shall be obligated within 180 days of the
11 date of enactment of this Act and shall serve to supple-
12 ment and not supplant expenditures from other Federal,
13 State, or local sources: *Provided further*, That in admin-
14 istering funds provided in this paragraph, the Secretary
15 may waive any provision of any statute or regulation that
16 the Secretary administers in connection with the obliga-
17 tion by the Secretary or the use by the recipient of these
18 funds (except for requirements related to fair housing,
19 nondiscrimination, labor standards, and the environment),
20 upon a finding that such waiver is required to facilitate
21 the timely use of such funds.

22 SUPPLEMENTAL GRANTS TO PUBLIC HOUSING AGENCIES
23 FOR EXTRAORDINARY ENERGY COSTS

24 For an additional amount for discretionary grants to
25 public housing agencies for operating expenses permitted
26 under section 9(e) of the United States Housing Act of

1 1937 (42 U.S.C. 1437g(e)), \$200,000,000: *Provided*, That
2 funding provided under this heading shall be used to cover
3 extraordinary energy costs: *Provided further*, That to be
4 eligible for such grants, public housing agencies must
5 demonstrate to the satisfaction of the Secretary a signifi-
6 cant increase in energy costs associated with operating
7 and maintaining public housing: *Provided further*, That
8 notwithstanding any other provision of law, the Secretary
9 shall institute measures to ensure that funds provided
10 under this paragraph shall be allocated to those public
11 housing agencies most in need of such assistance and that
12 such funds shall be obligated within 180 days of the date
13 of enactment of this Act: *Provided further*, That in admin-
14 istering funds provided in this paragraph, the Secretary
15 may waive any provision of any statute or regulation that
16 the Secretary administers in connection with the obliga-
17 tion by the Secretary or the use by the recipient of these
18 funds (except for requirements related to fair housing,
19 nondiscrimination, labor standards and the environment),
20 upon a finding that such a waiver is required to facilitate
21 the timely use of such funds.

22 HOUSING ASSISTANCE FOR TENANTS DISPLACED BY
23 FORECLOSURE

24 For an additional amount to provide relocation and
25 temporary housing assistance to individuals and families
26 that rent dwelling units that have been foreclosed upon,

1 or are in default and where foreclosure is imminent,
2 \$575,000,000: *Provided*, That the Secretary of Housing
3 and Urban Development shall establish a formula to allo-
4 cate amounts made available under this heading to States
5 and units of general local government (as such terms are
6 defined in section 102 of the Housing and Community De-
7 velopment Act of 1974 (42 U.S.C. 5302)): *Provided fur-*
8 *ther*, That in developing the formula, the Secretary shall
9 consider areas with the greatest need based on the number
10 and percentage of rental properties in default or delin-
11 quency and the greatest number and percentage of rental
12 properties in foreclosure: *Provided further*, That grantees
13 shall demonstrate their ability to coordinate with local
14 Continuums of Care and their ability to serve tenants who
15 are least likely to obtain stable, affordable housing upon
16 eviction, including families with children: *Provided further*,
17 That funding made available under this heading may be
18 used for temporary rental assistance, first and last
19 month's rent, security deposit, case management services,
20 or other appropriate services necessary to assist eligible
21 individuals or families in finding safe and affordable per-
22 manent housing: *Provided further*, That the Secretary
23 shall provide notice of the availability of funding provided
24 under this heading within 60 days of the enactment of
25 this Act.

1 FEDERAL HOUSING ADMINISTRATION
2 INFORMATION TECHNOLOGY

3 For an additional amount to maintain, modernize
4 and improve technology systems and infrastructure for the
5 Federal Housing Administration, \$36,093,000: *Provided*,
6 That these funds shall serve to supplement and not sup-
7 plant planned expenditures for the Federal Housing Ad-
8 ministration for information technology maintenance and
9 development funding provided through the Departmental
10 Working Capital Fund.

11 SALARIES AND EXPENSES

12 For an additional amount for salaries and expenses
13 for the Federal Housing Administration, \$15,000,000:
14 *Provided*, That of the total amount provided under this
15 paragraph, not less than \$13,000,000 shall be made avail-
16 able under the heading “Housing Personnel Compensation
17 and Benefits” and up to \$2,000,000 shall be made avail-
18 able under the heading “Management and Administration,
19 Administration, Operations and Management”: *Provided*
20 *further*, That with funding provided under this paragraph,
21 the Federal Housing Administration Commissioner is
22 hereby authorized to take such actions and perform such
23 functions as necessary regarding the hiring of personnel
24 for performing functions of the Federal Housing Adminis-
25 tration within the Office of Housing.

1 GENERAL PROVISIONS—THIS CHAPTER

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

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

13 (1) auction, sale, lease, or the imposition of any
14 charge or fee, by the Secretary or the Federal Avia-
15 tion Administrator, for rights, authorization or per-
16 mission by them to conduct flight operations at, or
17 in the navigable airspace of, any such airport;

18 (2) implementing or facilitating any such auc-
19 tion, sale or lease, or the imposition of any such
20 charge or fee by the Secretary or the Administrator
21 initiated prior to enactment of this Act; or

22 (3) the withdrawal or involuntary transfer by
23 the Secretary or Administrator of rights, authoriza-
24 tions or permissions to operate at, or in the navi-
25 gable airspace of, any such airport for the purpose

1 of the auction, sale or lease of such rights, author-
2 izations or permissions, or the imposition by the Sec-
3 retary or Administrator of any charge or fee for
4 such rights, authorization or permission.

5 SEC. 1903. (a) SURVEY.—Not later than 60 days
6 after the date of enactment of this Act, the Secretary of
7 Commerce shall conduct a survey to estimate, for any area
8 for which the President declared a major disaster (as de-
9 fined in section 102 of the Robert T. Stafford Disaster
10 Relief and Emergency Assistance Act (42 U.S.C. 5122))
11 during 2008, the total economic output lost, Federal as-
12 sistance provided, and economic revitalization funds need-
13 ed to recover from the major disaster. The Secretary of
14 Commerce shall provide information obtained from the
15 survey under this paragraph to the Governors of affected
16 States and the Secretary of Housing and Urban Develop-
17 ment.

18 (b) FUNDS.—The Secretary of Housing and Urban
19 Development shall use information provided under sub-
20 section (a) in allocating funds provided under the heading
21 “Community Planning and Development, Community De-
22 velopment Fund” in Public Law 110–329.

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

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

6 (a) MAXIMUM BENEFIT INCREASE.—

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

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

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

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

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

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

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

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

11 (c) STATE ADMINISTRATIVE EXPENSES.—

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

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

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

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

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

8 **TITLE III—STATE FISCAL RELIEF**

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

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

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

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

3 (c) GENERAL 8 PERCENTAGE POINTS INCREASE FOR
4 FISCAL YEAR 2009 AND FIRST CALENDAR QUARTER OF
5 FISCAL YEAR 2010.—

6 (1) IN GENERAL.—Subject to subsections (d),
7 (e), and (f), for each State for fiscal year 2009 and
8 for the first calendar quarter of fiscal year 2010, the
9 FMAP (taking into account the application of sub-
10 sections (a) and (b)) shall be increased by 8.0 per-
11 centage points.

12 (2) INCREASE IN CAP ON MEDICAID PAYMENTS
13 TO TERRITORIES.—Subject to subsections (e) and
14 (f), with respect to fiscal year 2009 and the first cal-
15 endar quarter of fiscal year 2010, the amounts oth-
16 erwise determined for Puerto Rico, the Virgin Is-
17 lands, Guam, the Northern Mariana Islands, and
18 American Samoa under subsections (f) and (g) of
19 section 1108 of the Social Security Act (42 U.S.C.
20 1308) shall each be increased by an amount equal
21 to 8.0 percent of such amounts.

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

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

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

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

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

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

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

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

13 (f) REQUIREMENTS.—

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

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

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

9 (g) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

18 “(c) **SPECIAL RULE.**—

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

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

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

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

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

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

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

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

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

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

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

3 “(ii) such section 203(f)—

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

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

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

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

16 (1) in paragraph (1), by striking “paragraph
17 (2),” and inserting “paragraphs (2) and (3),”; and
18 (2) by striking paragraph (2) and inserting the
19 following:

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

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

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

6 (d) EFFECTIVE DATE.—

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

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

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

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

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

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

5 **SECTION 5001. SHORT TITLE.**

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

8 **SEC. 5002. DEFINITIONS.**

9 In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (i) Reduce harmful emissions.

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

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

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

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

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

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

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

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

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

4 (A) either—

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

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

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

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

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

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

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

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

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

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

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

21 (B) MISCELLANEOUS REQUIREMENTS.—

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

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

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

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

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

20 **SEC. 5005. PARTNERSHIPS.**

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

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

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

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

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

22 **SEC. 5007. REPORTS.**

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

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

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

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

15 **TITLE VI—AUTOMOTIVE**
16 **INDUSTRY ASSISTANCE**

17 **SECTION 6001. DIRECT LOAN PROVISIONS.**

18 (a) IN GENERAL.—The Emergency Economic Sta-
19 bilization Act of 2008 (division A of Public Law 110–343)
20 is amended by adding at the end the following:

21 **“TITLE IV—DIRECT BRIDGE**
22 **LOAN PROVISIONS**

23 **“SEC. 401. FINDINGS.**

24 “Congress finds that extraordinary and exigent cir-
25 cumstances have prevented the automobile industry from

1 securing essential credit and liquidity from other sources
2 and that the failure of the automobile industry to obtain
3 such credit and liquidity will have a systemic adverse ef-
4 fect on the economy.

5 **“SEC. 402. PURPOSES.**

6 “The purposes of this title are—

7 “(1) to clarify that authority and facilities are
8 available to be used immediately by the Secretary to
9 restore liquidity and stability to the automobile in-
10 dustry in the United States;

11 “(2) to ensure that such authority and such fa-
12 cilities are used in a manner that—

13 “(A) stimulates manufacturing and sales
14 of automobiles produced by automobile manu-
15 facturers in the United States;

16 “(B) enhances the ability and the capacity
17 of the domestic automobile industry to pursue
18 the timely and aggressive production of energy-
19 efficient advanced technology vehicles;

20 “(C) preserves and promotes the jobs of
21 355,000 workers in the United States directly
22 employed by the automobile industry and an
23 additional 4,500,000 workers in the United
24 States employed in related industries; and

1 “(D) safeguards the ability of the domestic
2 automobile industry to provide retirement and
3 health care benefits for 1,000,000 retirees and
4 their spouses and dependents; and

5 “(3) to reaffirm the purposes of section 2,
6 which include providing the Secretary with broad au-
7 thority to restore liquidity and stability to financial
8 institutions, including automobile finance companies.

9 **“SEC. 403. EMERGENCY DIRECT LOAN PROGRAM.**

10 “(a) IN GENERAL.—The Secretary shall make loans
11 in an aggregate amount equal to \$25,000,000,000, to any
12 automobile manufacturer or component supplier that
13 has—

14 “(1) submitted an application for a loan under
15 this title that includes a statement of need for Gov-
16 ernment funding under this title to prevent a sys-
17 temic adverse effect on the United States economy;

18 “(2) operated 2 or more manufacturing facili-
19 ties for the purposes of producing automobiles or
20 automobile components in the United States
21 throughout the 25-year period ending on the date of
22 enactment of this title; and

23 “(3) operations in the United States the failure
24 of which would have a systemic adverse effect on the

1 overall United States economy, as determined by the
2 Secretary.

3 “(b) ALLOCATION.—In allocating loan amounts
4 under this title, the Secretary shall prioritize applications
5 based on the magnitude of the impact of the manufac-
6 turing operations of the applicant in the United States on
7 the overall economy of the United States and other seg-
8 ments of the automobile industry, including the impact on
9 levels of employment, domestic manufacturing of auto-
10 mobiles and automobile components, and automobile deal-
11 erships.

12 “(c) PLAN FOR LONG-TERM FINANCIAL VIABIL-
13 ITY.—At the time of application for a loan under this title,
14 an automobile manufacturer or component supplier shall
15 submit to the Secretary a detailed plan on how the Gov-
16 ernment funds requested will be utilized to ensure the
17 long-term financial posture of the company, and how such
18 funds will stimulate automobile production in the United
19 States and improve the capacity of the company to pursue
20 the timely and aggressive production of energy-efficient
21 advanced technology vehicles.

22 “(d) AUTHORITY TO ISSUE STOCK.—At the discre-
23 tion of the Secretary, the automobile manufacturer or
24 component supplier may issue preferred stock in lieu of

1 a loan, on analogous terms and conditions as those de-
2 scribed for loans under this title.

3 **“SEC. 404. FUNDING FROM THIRD TRANCHE; TREATMENT**
4 **OF LOAN AMOUNTS.**

5 “The costs incurred by the Federal Government in
6 making loans under this title, including credit subsidy
7 costs and administrative expenses, shall be covered out of
8 the funds made available to the Secretary generally under
9 section 118 and, specifically, not from funds which are de-
10 scribed in paragraph (1) or (2) of section 115(a), but with
11 respect to the availability of which the reporting and pro-
12 cedural requirements contained in paragraph (3) of such
13 section and section 115(c) shall not apply.

14 **“SEC. 405. TIMING OF DISBURSEMENTS.**

15 “(a) APPLICATIONS.—On and after the date that is
16 3 days after the date of enactment of this title, the Sec-
17 retary shall accept applications for loans under this title.

18 “(b) DETERMINATION OF ELIGIBILITY.—Not later
19 than 15 days after the date on which the Secretary re-
20 ceives an application for a loan under subsection (a), the
21 Secretary shall make a determination regarding the eligi-
22 bility of the applicant, based on whether the applicant
23 meets the requirements of section 403(a).

24 “(c) DISBURSEMENT.—The Secretary shall begin dis-
25bursement of the proceeds of a loan under this title to

1 an eligible applicant not later than 7 days after the date
2 on which the Secretary receives a disbursal request from
3 the applicant, upon a determination of the Secretary that
4 the applicant is eligible under subsection (b).

5 **“SEC. 406. TERMS AND CONDITIONS.**

6 “(a) TERM TO MATURITY.—The term to maturity of
7 any loan made under this title shall be 10 years, or such
8 longer period as the Secretary may determine with respect
9 to such loan.

10 “(b) RATE OF INTEREST.—The annual rate of inter-
11 est for a loan under this title shall be—

12 “(1) 5 percent during the 5-year period begin-
13 ning on the date on which the Secretary disburses
14 the loan; and

15 “(2) 9 percent after the end of the period de-
16 scribed in paragraph (1).

17 “(c) WARRANTS AND DEBT INSTRUMENTS.—The
18 Secretary may not make a loan under this title unless the
19 Secretary receives from the automobile manufacturer or
20 component supplier a warrant or senior debt instrument
21 made in accordance with the requirements for a warrant
22 or senior debt instrument by a financial institution under
23 section 113(d).

1 “(d) NO PREPAYMENT PENALTY.—A loan made
2 under this title shall be prepayable without penalty at any
3 time.

4 “(e) EXECUTIVE COMPENSATION.—

5 “(1) STANDARDS REQUIRED.—The Secretary
6 shall require any recipient of a loan under this title
7 to meet appropriate standards for executive com-
8 pensation and corporate governance.

9 “(2) SPECIFIC REQUIREMENTS.—The standards
10 established under paragraph (1) shall include the
11 following:

12 “(A) Limits on compensation that exclude
13 incentives for senior executive officers of a re-
14 cipient of a loan under this title to take unnec-
15 essary and excessive risks that threaten the
16 value of such recipient during the period that
17 the loan is outstanding.

18 “(B) A provision for the recovery by such
19 recipient of any bonus or incentive compensa-
20 tion paid to a senior executive officer based on
21 statements of earnings, gains, or other criteria
22 that are later found to be materially inaccurate.

23 “(C) A prohibition on such recipient mak-
24 ing any golden parachute payment to a senior

1 executive officer during the period that the loan
2 under this title is outstanding.

3 “(D) A prohibition on such recipient pay-
4 ing or accruing any bonus or incentive com-
5 pensation during the period that the loan is
6 outstanding to any executive whose annual base
7 compensation exceeds \$250,000 (which amount
8 shall be adjusted by the Secretary for inflation).

9 “(E) A prohibition on any compensation
10 plan that could encourage manipulation of the
11 reported earnings of the recipient to enhance
12 the compensation of any of its employees.

13 “(3) DEFINITIONS.—For purposes of this sub-
14 section, the following definitions shall apply:

15 “(A) SENIOR EXECUTIVE OFFICER.—The
16 term ‘senior executive officer’ means an indi-
17 vidual who is 1 of the top 5 most highly paid
18 executives of a public company, whose com-
19 pensation is required to be disclosed pursuant
20 to the Securities Exchange Act of 1934, and
21 any regulations issued thereunder, and non-
22 public company counterparts.

23 “(B) GOLDEN PARACHUTE PAYMENT.—
24 The term ‘golden parachute payment’ means

1 any payment to a senior executive officer for
2 departure from a company for any reason.

3 “(f) PROHIBITION ON PAYMENT OF DIVIDENDS.—No
4 common stock dividends may be paid by any recipient of
5 a loan under this title for the duration of the loan.

6 “(g) OTHER INTERESTS SUBORDINATED.—Any obli-
7 gation or liability of a recipient of a loan under this title
8 to any person shall be subordinate to the liability and obli-
9 gation of the recipient for such loan.

10 **“SEC. 407. OVERSIGHT.**

11 “(a) IN GENERAL.—The provisions of sections 105,
12 116, 121, and 125 shall apply with respect to any loans
13 made under this title, to the extent possible, in the same
14 manner and to the same extent as such sections apply to
15 transactions made under the authority of title I.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) TABLE OF CONTENTS.—The table of con-
18 tents in section 1(b) of the Emergency Economic
19 Stabilization Act of 2008 (division A of Public Law
20 110–343) is amended—

21 (A) by inserting after the item relating to
22 section 3 the following new item:

 “Sec. 4. References.”

23 ; and

24 (B) by adding at the end the following:

 “TITLE IV—DIRECT BRIDGE LOAN PROVISIONS

“Sec. 401. Findings.

“Sec. 402. Purposes.

“Sec. 403. Emergency direct loan program.

“Sec. 404. Funding from third tranche; treatment of loan amounts.

“Sec. 405. Timing of disbursements.

“Sec. 406. Terms and conditions.

“Sec. 407. Oversight.”

1 ; and

2 (2) REFERENCES.—The Emergency Economic
3 Stabilization Act of 2008 (division A of Public Law
4 110–343) is amended by inserting after section 3
5 the following new section:

6 **“SEC. 4. REFERENCES.**

7 “Any reference—

8 “(1) in this division to ‘this Act’ or any subdivi-
9 sion thereof is a reference to this division A or any
10 subdivision thereof;

11 “(2) in division (B) to ‘this Act’ or any subdivi-
12 sion thereof is a reference to division B or any sub-
13 division thereof; and

14 “(3) in division (C) to ‘this Act’ or any subdivi-
15 sion thereof is a reference to division C or any sub-
16 division thereof.”.

1 **TITLE VII—AUTO SALES TAX**
2 **DEDUCTIONS**

3 **SECTION 7001. ABOVE-THE-LINE DEDUCTION FOR INTER-**
4 **EST ON INDEBTEDNESS WITH RESPECT TO**
5 **THE PURCHASE OF CERTAIN MOTOR VEHI-**
6 **CLES.**

7 (a) IN GENERAL.—Paragraph (2) of section 163(h)
8 of the Internal Revenue Code of 1986 is amended—

9 (1) by striking “and” at the end of subpara-
10 graph (E),

11 (2) by striking the period at the end of sub-
12 paragraph (F) and inserting “, and”, and

13 (3) by adding at the end the following new sub-
14 paragraph:

15 “(G) any qualified motor vehicle interest
16 (within the meaning of paragraph (5)).”.

17 (b) QUALIFIED MOTOR VEHICLE INTEREST.—Sec-
18 tion 163(h) of the Internal Revenue Code of 1986 is
19 amended by adding at the end the following new para-
20 graph:

21 “(5) QUALIFIED MOTOR VEHICLE INTEREST.—
22 For purposes of this subsection—

23 “(A) IN GENERAL.—The term ‘qualified
24 motor vehicle interest’ means any interest which

1 is paid or accrued during the taxable year on
2 any indebtedness which—

3 “(i) is incurred after November 12,
4 2008, and before January 1, 2010, in ac-
5 quiring any qualified motor vehicle of the
6 taxpayer, and

7 “(ii) is secured by such qualified
8 motor vehicle.

9 Such term also includes any indebtedness se-
10 cured by such qualified motor vehicle resulting
11 from the refinancing of indebtedness meeting
12 the requirements of the preceding sentence (or
13 this sentence); but only to the extent the
14 amount of the indebtedness resulting from such
15 refinancing does not exceed the amount of the
16 refinanced indebtedness.

17 “(B) DOLLAR LIMITATION.—The aggre-
18 gate amount of indebtedness treated as de-
19 scribed in subparagraph (A) for any period
20 shall not exceed \$49,500 (\$24,750 in the case
21 of a separate return by a married individual).

22 “(C) INCOME LIMITATION.—The amount
23 otherwise treated as interest under subpara-
24 graph (A) for any taxable year (after the appli-
25 cation of subparagraph (B)) shall be reduced

1 (but not below zero) by the amount which bears
2 the same ratio to the amount which is so treat-
3 ed as—

4 “(i) the excess (if any) of—

5 “(I) the taxpayer’s modified ad-
6 justed gross income for such taxable
7 year, over

8 “(II) \$125,000 (\$250,000 in the
9 case of a joint return), bears to

10 “(ii) \$10,000.

11 For purposes of the preceding sentence, the
12 term ‘modified adjusted gross income’ means
13 the adjusted gross income of the taxpayer for
14 the taxable year increased by any amount ex-
15 cluded from gross income under section 911,
16 931, or 933.

17 “(D) QUALIFIED MOTOR VEHICLE.—The
18 term ‘qualified motor vehicle’ means a pas-
19 senger automobile (within the meaning of sec-
20 tion 30B(h)(3)) or a light truck (within the
21 meaning of such section)—

22 “(i) which is acquired for use by the
23 taxpayer and not for resale after November
24 12, 2008, and before January 1, 2010,

1 “(ii) the original use of which com-
2 mences with the taxpayer, and

3 “(iii) which has a gross vehicle weight
4 rating of not more than 8,500 pounds.”.

5 (c) DEDUCTION ALLOWED ABOVE-THE-LINE.—Sec-
6 tion 62(a) of the Internal Revenue Code of 1986 is amend-
7 ed by inserting after paragraph (21) the following new
8 paragraph:

9 “(22) QUALIFIED MOTOR VEHICLE INTER-
10 EST.—The deduction allowed under section 163 by
11 reason of subsection (h)(2)(G) thereof.”.

12 (d) REPORTING OF QUALIFIED MOTOR VEHICLE IN-
13 TEREST.—

14 (1) IN GENERAL.—Subpart B of part III of
15 subchapter A of chapter 61 of the Internal Revenue
16 Code of 1986 is amended by adding at the end the
17 following new section:

18 **“SEC. 6050X. RETURNS RELATING TO QUALIFIED MOTOR**
19 **VEHICLE INTEREST RECEIVED IN TRADE OR**
20 **BUSINESS FROM INDIVIDUALS.**

21 “(a) QUALIFIED MOTOR VEHICLE INTEREST.—Any
22 person—

23 “(1) who is engaged in a trade or business, and

24 “(2) who, in the course of such trade or busi-
25 ness, receives from any individual interest aggre-

1 gating \$600 or more for any calendar year on any
2 indebtedness secured by a qualified motor vehicle (as
3 defined in section 163(h)(5)(D)),
4 shall make the return described in subsection (b) with re-
5 spect to each individual from whom such interest was re-
6 ceived at such time as the Secretary may by regulations
7 prescribe.

8 “(b) FORM AND MANNER OF RETURNS.—A return
9 is described in this subsection if such return—

10 “(1) is in such form as the Secretary may pre-
11 scribe,

12 “(2) contains—

13 “(A) the name and address of the indi-
14 vidual from whom the interest described in sub-
15 section (a)(2) was received,

16 “(B) the amount of such interest received
17 for the calendar year, and

18 “(C) such other information as the Sec-
19 retary may prescribe.

20 “(c) APPLICATION TO GOVERNMENTAL UNITS.—For
21 purposes of subsection (a)—

22 “(1) TREATED AS PERSONS.—The term ‘per-
23 son’ includes any governmental unit (and any agency
24 or instrumentality thereof).

1 “(2) SPECIAL RULES.—In the case of a govern-
2 mental unit or any agency or instrumentality there-
3 of—

4 “(A) subsection (a) shall be applied with-
5 out regard to the trade or business requirement
6 contained therein, and

7 “(B) any return required under subsection
8 (a) shall be made by the officer or employee ap-
9 propriately designated for the purpose of mak-
10 ing such return.

11 “(d) STATEMENTS TO BE FURNISHED TO INDIVID-
12 UALS WITH RESPECT TO WHOM INFORMATION IS RE-
13 QUIRED.—Every person required to make a return under
14 subsection (a) shall furnish to each individual whose name
15 is required to be set forth in such return a written state-
16 ment showing—

17 “(1) the name, address, and phone number of
18 the information contact of the person required to
19 make such return, and

20 “(2) the aggregate amount of interest described
21 in subsection (a)(2) received by the person required
22 to make such return from the individual to whom
23 the statement is required to be furnished.

24 The written statement required under the preceding sen-
25 tence shall be furnished on or before January 31 of the

1 year following the calendar year for which the return
2 under subsection (a) was required to be made.

3 “(e) RETURNS WHICH WOULD BE REQUIRED TO BE
4 MADE BY 2 OR MORE PERSONS.—Except to the extent
5 provided in regulations prescribed by the Secretary, in the
6 case of interest received by any person on behalf of an-
7 other person, only the person first receiving such interest
8 shall be required to make the return under subsection
9 (a).”.

10 (2) AMENDMENTS RELATING TO PENALTIES.—

11 (A) Section 6721(e)(2)(A) of such Code is
12 amended by striking “or 6050L” and inserting
13 “6050L, or 6050X”.

14 (B) Section 6722(c)(1)(A) of such Code is
15 amended by striking “or 6050L(c)” and insert-
16 ing “6050L(c), or 6050X(d)”.

17 (C) Subparagraph (B) of section
18 6724(d)(1) of such Code is amended by redesignig-
19 nating clauses (xvi) through (xxii) as clauses
20 (xvii) through (xxiii), respectively, and by in-
21 serting after clause (xii) the following new
22 clause:

23 “(xvi) section 6050X (relating to re-
24 turns relating to qualified motor vehicle in-

1 terest received in trade or business from
2 individuals),”.

3 (D) Paragraph (2) of section 6724(d) of
4 such Code is amended by striking the period at
5 the end of subparagraph (DD) and inserting “,
6 or” and by inserting after subparagraph (DD)
7 the following new subparagraph:

8 “(EE) section 6050X(d) (relating to re-
9 turns relating to qualified motor vehicle interest
10 received in trade or business from individ-
11 uals).”.

12 (3) CLERICAL AMENDMENT.—The table of sec-
13 tions for subpart B of part III of subchapter A of
14 chapter 61 of such Code is amended by inserting
15 after the item relating to section 6050W the fol-
16 lowing new item:

 “Sec. 6050X. Returns relating to qualified motor vehicle interest received in
 trade or business from individuals.”.

17 **SEC. 7002. ABOVE-THE-LINE DEDUCTION FOR STATE SALES**
18 **TAX AND EXCISE TAX ON THE PURCHASE OF**
19 **CERTAIN MOTOR VEHICLES.**

20 (a) IN GENERAL.—Subsection (a) of section 164 of
21 the Internal Revenue Code of 1986 is amended by insert-
22 ing after paragraph (5) the following new paragraph:

23 “(6) Qualified motor vehicle taxes.”.

1 (b) QUALIFIED MOTOR VEHICLE TAXES.—Sub-
2 section (b) of section 164 of the Internal Revenue Code
3 of 1986 is amended by adding at the end the following
4 new paragraph:

5 “(6) QUALIFIED MOTOR VEHICLE TAXES.—

6 “(A) IN GENERAL.—For purposes of this
7 section, the term ‘qualified motor vehicle taxes’
8 means any State and local sales or excise tax
9 imposed on the purchase of a qualified motor
10 vehicle (as defined in section 163(h)(5)(D)).

11 “(B) INCOME LIMITATION.—The amount
12 otherwise taken into account under subpara-
13 graph (A) for any taxable year shall be reduced
14 (but not below zero) by the amount which bears
15 the same ratio to the amount which is so treat-
16 ed as—

17 “(i) the excess (if any) of—

18 “(I) the taxpayer’s modified ad-
19 justed gross income for such taxable
20 year, over

21 “(II) \$125,000 (\$250,000 in the
22 case of a joint return), bears to

23 “(ii) \$10,000.

24 For purposes of the preceding sentence, the
25 term ‘modified adjusted gross income’ means

1 the adjusted gross income of the taxpayer for
2 the taxable year increased by any amount ex-
3 cluded from gross income under section 911,
4 931, or 933.

5 “(C) QUALIFIED MOTOR VEHICLE TAXES
6 NOT INCLUDED IN COST OF ACQUIRED PROP-
7 ERTY.—The last sentence of subsection (a)
8 shall not apply to any qualified motor vehicle
9 taxes.

10 “(D) COORDINATION WITH GENERAL
11 SALES TAX.—This paragraph shall not apply in
12 the case of a taxpayer who makes an election
13 under paragraph (5) for the taxable year.”.

14 (c) CONFORMING AMENDMENTS.—Paragraph (5) of
15 section 163(h) of the Internal Revenue Code of 1986, as
16 added by section 1, is amended—

17 (1) by adding at the end the following new sub-
18 paragraph:

19 “(E) EXCLUSION.—If the indebtedness de-
20 scribed in subparagraph (A) includes the
21 amounts of any State sales or excise taxes paid
22 or accrued by the taxpayer in connection with
23 the acquisition of a qualified motor vehicle, the
24 aggregate amount of such indebtedness taken
25 into account under such subparagraph shall be

1 reduced, but not below zero, by the amount of
2 any such taxes for which a deduction is allowed
3 under section 164(a) by reason of paragraph
4 (6) thereof.”, and
5 (2) by inserting “, after the application of sub-
6 paragraph (E),” after “for any period” in subpara-
7 graph (B).

8 (d) DEDUCTION ALLOWED ABOVE-THE-LINE.—Sec-
9 tion 62(a) of the Internal Revenue Code of 1986, as
10 amended by section 1, is amended by inserting after para-
11 graph (22) the following new paragraph:

12 “(23) QUALIFIED MOTOR VEHICLE TAXES.—
13 The deduction allowed under section 164 by reason
14 of subsection (a)(6) thereof.”.

15 TITLE VIII

16 GENERAL PROVISIONS—THIS ACT

17 EMERGENCY DESIGNATION

18 SEC. 8001. Each amount in this Act is designated
19 as an emergency requirement and necessary to meet emer-
20 gency needs pursuant to section 204(a) of S. Con. Res.
21 21 (110th Congress) and section 301(b)(2) of S. Con. Res.
22 70 (110th Congress), the concurrent resolutions on the
23 budget for fiscal years 2008 and 2009.

1 AVAILABILITY

2 SEC. 8002. No part of any appropriation contained
3 in this Act shall remain available for obligation beyond
4 the current fiscal year unless expressly so provided herein.

5 This Act may be cited as the “Economic Recovery
6 Act of 2008”.