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[COMMITTEE PRINT]

NOTICE: This is a draft for use of the Committee and its staff only, in preparation for markup.

Calendar No. 000

111TH CONGRESS <i>1st Session</i>	SENATE	REPORT 111-000
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MAKING SUPPLEMENTAL APPROPRIATIONS FOR JOB PRESERVATION AND CREATION, INFRASTRUCTURE INVESTMENT, ENERGY EFFICIENCY AND SCIENCE, ASSISTANCE TO THE UNEMPLOYED, AND STATE AND LOCAL FISCAL STABILIZATION, FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2009, AND FOR OTHER PURPOSES

JANUARY 00, 2009.—Ordered to be printed

Mr. INOUE, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 0000]

The Committee on Appropriations reports the original bill (S. 0000) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes, reports favorably thereon and recommends that the bill do pass.

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## SUMMARY OF THE BILL

The Committee recommends discretionary appropriations of \$350,037,825,000 and mandatory appropriations of \$16,562,000,000 to assist in the economic recovery of and reinvestment in America. The bill represents the first step in revitalizing our Nation's economy. The fundamental principle behind the legislation is to use the resources of the Federal Government as one means to reinvigorate the engine that is the United States economy.

All economists agree that the Nation is facing one of the most dire economic crises in our history. Over the past 2 months more than 1 million jobs have been lost. Nothing indicates that similar job losses won't continue unless the Federal Government acts. While forecasters differ on specifics, many believe that without quick and decisive action the Nation could suffer up to an additional 5 million job losses over the coming year.

The measure reported by the Committee is designed to help stem the tide of job losses and mitigate economic turmoil. It is agreed that this is only one tool that will be needed to turn around our economic woes, but it is an important response to the emergency conditions extant in the country.

In fashioning this bill the Committee has focused on spending our Nation's dollars on worthwhile projects which both benefit the American people on their merits and will also lead to an increase in jobs. Based on information supplied by experts both within and outside of Government, the Committee estimates this bill will lead to the employment of more than 4 million individuals.

The overarching goal of this measure is to return our unemployed workers to the workforce where they can help prime the economy. Equally important is to invest either in beneficial projects which have been planned and approved by Federal officials, and are ready to begin, but for which funds have been unavailable, or to invest in new technology that can help stimulate commercial business using this initial investment from the public sector. Funding is also included to address the economic dislocation occurring in our States with direct assistance recommended for food stamps, education, and other programs to offset the increased demands which are jeopardizing our States' economies.

In general, the funding provided herein is temporary. It will address short-term needs and is intended to be expended quickly. The bill has been crafted with the goal of minimizing any requirement for continued Government spending in the areas supported. Investment in infrastructure by its nature is a one time cost. Increases for programs as varied as food stamps, loan guarantees, and education, for example, are being made available with the clear understanding that the level of resources provided in this measure will not be sustained in the future. Attention has also been paid to holding down permanent increases in Federal employees. This is a jobs bill, but not for new Federal Government jobs. However, to ensure effective management of this significant infusion of funding many agencies will be afforded small increases in workforce.

With this large influx in Federal spending, the Committee wants to ensure that it has taken steps to improve oversight of the funds

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in this bill. Therefore, the Committee is recommending \$117,000,000 to increase the resources of agency Inspectors General and the Government Accountability Office. In addition, the Committee has included legislative language to establish a new board within the executive branch which will be charged with oversight of the funding provided in this bill. Furthermore, the Committee has included requirements as described throughout this report for Federal agencies to include expenditure plans prior to obligating the funds made available in this bill. Additional reporting requirements have also been mandated to ensure greater accountability for the funds recommended.

Rapid passage of this bill is an essential ingredient in the success of this plan. As noted above, last month an additional 500,000 American citizens lost their job. By joining the ranks of the unemployed these individuals are now adding to the cost of our Nation's safety net and straining our Nation's resources instead of contributing to its economic growth. They are likely to struggle to meet their families' needs, and they may be forced to curtail their own spending once again draining resources from our economy and threatening more jobs.

The country is enmeshed in a grave crisis. It is imperative that the Federal Government use all means at its disposal to address the problems. While the investments made in this measure will very clearly add to the deficit, the Committee believes that failure to act expeditiously could lead to even greater deficits and economic problems for the Nation for years to come.

With each passing week that the Congress fails to address our economic problems, additional thousands will continue to join the ranks of the unemployed. Inaction will only add to our challenges. This measure is only one step but it is a very important step in addressing this problem.

In the narrative which follows the Committee identifies the specific spending proposals to put America back to work.

In addition, the Committee is requiring, in section 1605 of this act, certification by State and local officials that the spending is an appropriate use of taxpayer funds.

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## TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

### DEPARTMENT OF AGRICULTURE

#### OFFICE OF THE SECRETARY

##### (INCLUDING TRANSFERS OF FUNDS)

The Committee recommends \$300,000,000 to the Office of the Secretary for replacement, modernization, and upgrade requirements at USDA facilities, other than the Forest Service, to meet workplace safety requirements and to improve mission area effectiveness. The Committee notes that many USDA facilities have been in operation for over one-half of a century and serious structural and operational defects currently impede the functions of the Department and do not adequately safeguard employees from health and safety risks. The Committee includes bill language requiring the Secretary to submit a plan on the allocation of these funds to the Committees on Appropriations of the House and Senate (hereafter referred to in this title as "Committees") within 60 days of enactment of this act on how these funds will be allocated and to initiate modernization and upgrade activities as soon as practicable. The Secretary shall also provide quarterly reports to the Committees on the status of these activities until complete. The Secretary is further directed that none of the funds in this appropriation should be used for modernization or upgrade activities of the USDA South Building beyond those described in the current phase of facility renovation.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$5,000,000 for the Office of Inspector General for oversight and audit activities of funds under this title. The Secretary shall provide quarterly reports to the Committees on the status of these activities.

### COOPERATIVE STATE RESEARCH, EDUCATION AND ECONOMIC SERVICE

#### RESEARCH AND EDUCATION ACTIVITIES

The Committee recommends \$100,000,000 for competitive grants under the Agriculture and Food Research Initiative [AFRI]. The Committee feels that effective gains in the areas of renewable energy and agricultural productivity must be the result of high quality peer-reviewed research. AFRI is the USDA flagship competitive research program that draws on expertise from colleges and universities around the Nation, and from other eligible institutions, on challenges most important to the agricultural sector. The Committee directs that funds provided by this appropriation be made available for research in the area of renewable fuels and emerging agricultural production technologies. These are two areas for which an enhanced knowledge base will contribute greatly to more effective and robust economic activity. The Secretary is directed to provide a report to the Committees on the allocation of these funds by

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research category within 60 days of enactment of this act and on the specific research awards within 120 days of enactment of this act.

## FARM SERVICE AGENCY SALARIES AND EXPENSES

The Committee recommends \$171,000,000 for Farm Service Agency, Salaries and Expenses to stabilize and upgrade computer systems and for additional staff which are critical for implementing the Food, Conservation, and Energy Act of 2008 (the farm bill). The Farm Service Agency is the critical agency of the Department to ensure the timely and appropriate distribution of Federal financial support to the agricultural sector, which has a direct effect on the viability of manufacturing, supplies, financial services, and other elements of the national economy. Prompt implementation of the farm bill will greatly assist economic recovery in rural America. Continuing risks of information technology systems failures, as experienced recently, pose a very serious threat to this effort.

## AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

The Committee recommends \$42,430,000 in budget authority to support \$650,000,000 in direct and guaranteed farm ownership and operating loans. The Farm Service Agency is experiencing increased loan demand and a significant shortfall in the funding necessary to meet the anticipated demand for both direct and guaranteed loans. Due to the shortfalls in credit availability, these funds are needed to ensure that sufficient credit is available to meet the needs of farmers and ranchers, and to support production needs in the coming growing season.

The following table reflects the amounts provided in the bill:

	Amount
Farm Ownership Loans:	
Direct .....	(\$300,000,000)
Subsidy .....	17,200,000
Guaranteed .....	(100,000,000)
Subsidy .....	330,000
Farm Operating Loans:	
Direct .....	(200,000,000)
Subsidy .....	23,600,000
Unsubsidized Guaranteed .....	(50,000,000)
Subsidy .....	1,300,000

## NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS

The Committee recommends \$275,000,000 for Watershed and Flood Prevention Operations for watershed and flood prevention activities. The Secretary is directed to submit a report to the Committees within 60 days of enactment of this act on how these funds will be allocated and to initiate activities as soon as practicable. The Secretary shall also provide quarterly reports to the Committees on the status of these activities until complete. The Committee

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expects that these funds will fully implement the stage of activity resulting in actual improvement to the watershed.

## WATERSHED REHABILITATION PROGRAM

The Committee recommends \$120,000,000 for the Watershed Rehabilitation Program for critical activities across the country. The Secretary is directed to submit a report to the Committees within 60 days of enactment of this act on how these funds will be allocated and to initiate activities as soon as practicable. The Secretary shall also provide quarterly reports to the Committees on the status of these activities until complete. The Committee expects that these funds will fully cover any activity initiated.

## RURAL DEVELOPMENT SALARIES AND EXPENSES

The Committee recommends \$110,000,000 to assist USDA in implementing the rural development activities included in this act and for upgrading computer systems. The Secretary shall provide quarterly reports to the Committees on the status of the activities funded by this act for rural development until these activities are complete.

## RURAL HOUSING SERVICE

### RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The Committee recommends \$200,000,000 in budget authority to support \$11,472,000,000 in direct and guaranteed single family housing loans that will provide about 105,000 very low to moderate-income rural households the opportunity of homeownership or avoiding the risk of foreclosure, especially during this period of uncertainty in the housing market and extremely high demand for credit.

The following table indicates loan and subsidy levels provided in the bill:

	Amount
Section 502 Single Family Housing:	
Direct .....	(\$1,000,000,000)
Subsidy .....	67,000,000
Guaranteed .....	(10,472,000,000)
Subsidy .....	133,000,000

### RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

The Committee recommends \$127,000,000 in budget authority to support \$1,546,000,000 in loans and grants for essential rural community facilities including hospitals, health clinics, health and safety vehicles and equipment, public buildings, and child and elder care facilities. These funds will both create opportunities for job growth and provide relief to local governments which are generally suffering from severe revenue shortfalls due to the current economic downturn.

The following table indicates loan and subsidy levels:

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	Amount
<b>Community Facilities:</b>	
Direct loans .....	(\$1,171,000,000)
Direct subsidy .....	67,000,000
Guaranteed loans .....	(325,000,000)
Guaranteed subsidy .....	10,000,000
Grants .....	50,000,000

## RURAL BUSINESS—COOPERATIVE SERVICE

### RURAL BUSINESS PROGRAM ACCOUNT

The Committee recommends \$150,000,000 in budget authority to support \$3,010,000,000 in loans and grants to support income and employment expansion through improved business opportunities in rural areas.

The following table indicates loan and subsidy levels:

	Amount
<b>Business and Industry:</b>	
Guaranteed loans .....	(\$2,990,000,000)
Guaranteed subsidy .....	130,000,000
Rural business enterprise grants .....	20,000,000

## BIOREFINERY ASSISTANCE

The Committee recommends \$200,000,000 in budget authority for loans and grants to assist in the development of new and emerging technologies for the development of advanced biofuels. This program will create energy-related jobs in rural America and encourage economic development, along with promoting resource conservation and diversifying markets for agricultural and forestry products, including agricultural waste materials. Further, this program will assist in a shift to renewable fuels that rely on feedstocks that do not compete with food-related commodities and therefore would not result in higher food costs.

### RURAL ENERGY FOR AMERICA PROGRAM

The Committee recommends \$50,000,000 for the Rural Energy for America Program. These funds would be used to provide loans and grants to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses. This program provides opportunities to increase local revenues, bolster the local job market, and increase the economic yield of land. The Committee also recommends that schools in rural areas be eligible to receive these funds.

## RURAL UTILITIES SERVICE

### RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

The Committee recommends \$1,375,000,000 in budget authority that will support \$2,820,000,000 in loans and \$963,000,000 in grants for needed water and waste disposal facilities in rural areas.

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## DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The Committee recommends \$200,000,000 in budget authority that will support \$813,000,000 in loans and \$180,000,000 in grants for the distance learning and telemedicine program to improve access to these services in remote rural communities.

## FOOD AND NUTRITION SERVICE

### CHILD NUTRITION PROGRAMS

The Committee recommends \$198,000,000 for USDA to implement a school food service equipment assistance program to provide competitive grants to school food authorities, based on the number of students eligible for free or reduced price lunch. These grants are to procure new equipment to replace old and worn out equipment, which often times was installed when schools were built, and will assist schools' efforts to provide nutritious meals to students.

### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN [WIC]

The Committee recommends \$380,000,000 for a contingency fund for the Special Supplemental Nutrition Program for Women, Infants and Children [WIC]. This contingency fund will ensure that the WIC program will have adequate funds to ensure that potential increased participation or food costs as a result of economic uncertainty will have no adverse effect on the program. The Committee also recommends \$120,000,000 for WIC Management Information System funds.

### COMMODITY ASSISTANCE PROGRAM

The Committee recommends \$150,000,000 for food purchases, of which up to \$50,000,000 may be used for administrative funding, for the Emergency Food Assistance Program.

## GENERAL PROVISIONS—THIS TITLE

SEC. 101. The Committee recommends bill language that will give the Secretary of Agriculture the tools necessary to facilitate the rapid build out of broadband infrastructure and capacity to rural areas necessary to encourage their rural development needs. The provision allows the Secretary to offer grants, loans and combinations of grants and loans to better tailor assistance to meet the needs of individual projects while making the most efficient use of available funds. The provision gives the Secretary the ability to fund projects that operate in sparsely as well as more densely populated areas so the project can have a sufficiently large subscriber base to be operationally and financially viable and affordable to the end users. Even though the Secretary will be allowed this flexibility, the Committee intends that it be used to enable projects to cover more unserved areas than would be otherwise served. The Committee intends that in looking at the sufficiency of broadband service in the area, the Secretary will exclusively look at the capacity and level of service available and the area's broadband needs for sustained development and not simply at the technologies or

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service providers involved. In determining the sufficiency of access to be provided, the Secretary shall take into consideration both the level of capacity required for effective rural development and the affordability of service to the end users. The Committee believes a substantial investment in broadband is essential for sustained economic viability of rural America.

SEC. 102. This section provides funding for the Supplemental Nutrition Assistance Program. The Committee recommends a 12 percent increase in benefits for households participating in the Supplemental Nutrition Assistance Program [SNAP] and Consolidated Block Grants for Puerto Rico and American Samoa through September 30, 2011. Further, the Committee recommends providing a one-time bonus payment to families, which would have an immediate stimulus effect and provide assistance to those who need it most. Additionally, the Committee recommendation includes a temporary suspension of the 3-month limit for non-working adults to receive SNAP benefits, provides States \$150,000,000 in fiscal years 2009 and 2010 to carry out these additional provisions, and provides \$5,000,000 in administrative funding for the Food Distribution Program on Indian Reservations.

SEC. 103. The Committee recommends bill language to provide assistance to agricultural producers for lost income due to natural disasters and other unforeseen events. The Food, Conservation, and Energy Act of 2008 (the Farm Bill) authorized and made available funding for agricultural losses in each year covered by that act. However, the passage of the Farm Bill occurred at a time after planting decisions, crop insurance decisions, and much of the harvesting of the 2008 crop were complete. Therefore, there remains a need to transition the historical pattern of ad hoc agricultural disaster assistance into the newly authorized Supplemental Agricultural Disaster Assistance program that was provided in the Farm Bill to ensure equitable treatment of all producers.

This provision will help enable farmers and ranchers across the Nation to secure the financing needed for investment in the 2009 growing season through purchases of seed, fertilizer, and other farm inputs that has a significant effect on the manufacturing and natural resource base of the United States. Without the ability of farmers and ranchers to recover from disasters in 2008, much of the rural economy will be at risk. This provision is a necessary step to move farmers and ranchers away from ad hoc disaster assistance to a much more reliable and predictable disaster recovery mechanism as provided in the Farm Bill, especially in view of the unique situation of the 2008 crop year and the timing of enactment of the Farm Bill.

SEC. 104. The Committee recommends bill language to strengthen enforcement authorities of the Food Safety and Inspection Service.

SEC. 105. The Committee recommends bill language to provide assistance to rural schools and other State and local entities.

SEC. 106. The Committee recommends bill language to carry out the Food, Conservation, and Energy Act of 2008.

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The Committee recommends \$20,000,000 for information technology activities within the Bureau of Industry and Security [BIS]. These funds are provided to ensure BIS has necessary resources for secure information technology [IT] systems, which are essential for the Bureau to advance U.S. national security, foreign policy and economic objectives by ensuring effective export control and treaty compliance and by promoting continued U.S. strategic technology leadership.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The Committee recommends an additional \$150,000,000 for Economic Development Assistance Programs [EDAP] to stimulate employment and increase incomes in areas that are characterized by underutilized resources, which if put to productive use, can contribute to greater national productivity and balanced national economic growth. Of the amounts provided, \$100,000,000 shall be for public works grants, which will leverage private funding to create roughly 35,000 new jobs in communities struggling with substantial job losses. In addition, \$50,000,000 shall be for economic adjustment assistance to help communities recover from sudden and severe economic dislocation and massive job losses due to corporate restructuring.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

The Committee recommends \$1,000,000,000 for Periodic Censuses and Programs to support the 2010 Census. The Committee recommends \$120,000,000 for partnership and outreach efforts in preparation for the 2010 Census with specific focus being placed on hard to reach populations. These funds should be used to hire additional personnel who have experience in developing partnerships and provide support for other partnership programs. The funding provided for the program will help enlist community leaders to encourage their constituencies to fill out their Census forms, emphasizing the importance of the Census to their local community and education system. This outreach is particularly important in communities that are hard to reach.

In addition, the Committee recommends \$780,000,000 to hire additional enumerators. The Committee notes that the use of handheld devices will be limited for the 2010 Census to address canvassing and therefore directs the Department to hire additional enumerators in order to count underserved communities. Finally,

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the Committee recommends \$100,000,000 for additional outreach and promotion of 2010 Census to minority communities.

## NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

### BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM

The Committee recommends a total of \$9,000,000,000 for the Broadband Technology Opportunities Program, which is authorized by section 201 of this act. Broadband capabilities drive innovation and job creation. Yet the United States ranks 15th among Organization for Economic Cooperation and Development [OECD] nations in per capita broadband use. The Committee expects that this one-time appropriation will make a significant down payment on increasing the availability of and access to broadband nationwide, which will better position the United States for economic growth, innovation, and job creation.

Funding is provided for the National Telecommunications and Information Administration [NTIA] to award competitive grants to State and local governments, nonprofits, and public-private partnerships to: (1) accelerate broadband deployment in unserved and underserved areas and to strategic institutions that are likely to create jobs or provide significant public benefits (up to \$8,190,000,000); (2) increase sustained broadband adoption (not less than \$250,000,000); (3) upgrade technology and capacity at public computing centers, which are a key source of access to the Internet for lower income users, such as libraries and community colleges (not less than \$200,000,000); (4) develop and maintain a broadband inventory map of current broadband deployment across the United States as authorized by the Broadband Data Improvement Act (Public Law 110-385) (up to \$350,000,000); and (5) conduct audits and oversight of grants and other funding under this section (\$10,000,000).

Bill language requires that 50 percent of the funds under this program be spent on projects in rural areas, and any portion of such funds may be transferred to the Department of Agriculture for administration through the Rural Utilities Service [RUS] if deemed necessary and appropriate by the Secretary of Commerce, in consultation with the Secretary of Agriculture. Bill language also: allows funds to be transferred to the Federal Communications Commission [FCC] for the purposes of developing a national broadband plan and for other FCC responsibilities under section 201; limits administrative costs of the program to not more than 3 percent; and transfers \$10,000,000 to the Inspector General for audits and oversight of the program.

To maximize the public benefits of this significant public investment, section 201 gives NTIA the authority to impose grant conditions with regard to interconnection and nondiscrimination requirements that apply to facilities funded in part by this appropriation, regardless of who operates those facilities.

The Committee expects that competitive grants for broadband deployment will enable both wireline and wireless broadband projects in unserved and underserved areas, and that funds will be spent constructing and deploying facilities and services for projects

that: can commence promptly; and will enable connections within economic development zones, and to community facilities such as healthcare facilities, public safety facilities, public schools, community colleges, public libraries, and other strategic community facilities.

The Committee also intends that the NTIA and any other entity-dispensing funds under this program do so in a timely fashion, while employing strong safeguards so that funds are spent effectively to increase broadband adoption, employment, and other community benefits. Toward that end, section 201: (1) imposes a 20 percent match requirement for grants, which may be satisfied by the grant applicant or any third-party partnering with the grant applicant, and may be waived only under special circumstances; (2) requires specific commitments from grantees on scheduled progress for meeting the goals of the grant; (3) requires that grant applications show that the proposed broadband deployment would not occur during the grant period without this Federal investment; (4) requires quarterly reporting by any entity receiving funds regarding how funds are spent and progress meeting the schedule, as well as quarterly reporting to Congress by Federal agencies making grants regarding how funds are being spent; (5) requires strong public transparency regarding how funds are spent under the program and grantees' progress fulfilling specific commitments to deploy facilities, increase broadband adoption or deploy computer infrastructure; and (6) empowers the NTIA to revoke funding in any case of misspending, and to recapture funds in certain circumstances.

#### DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM

The Committee recommends \$650,000,000 for the Digital-to-Analog Converter Box Program for additional coupons to meet increased demand, coupon administration, outreach, and support.

#### NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The Committee recommends a total of \$575,000,000 for the National Institute of Standards and Technology [NIST]. This funding is critical to support U.S. innovation and industrial competitiveness, and is expected to create an estimated 7,000 jobs. NIST is directed to provide a spend plan no later than 60 days after enactment of this act detailing the proposed use of these funds.

#### SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$218,000,000 for NIST to increase competitive grants for external partners to perform research and measurements in support of NIST's mission. These activities include: strengthen the information technology infrastructure at NIST sites; and provide for additional NIST research fellowships to bring scientists and engineers to NIST both to perform NIST research and measurements and to provide advanced training for future generations of scientists and engineers. Within these funds, NIST shall also provide substantial funding for advanced research and measurement equipment and supplies.

In addition, \$20,000,000 is provided by transfer from the Health Information Technology [IT] initiative within this act. For Health IT activities, NIST is directed to create and test standards related to health security and interoperability in conjunction with the partners at the Department of Health and Human Services.

#### CONSTRUCTION OF RESEARCH FACILITIES

The Committee recommends \$357,000,000 for NIST for the renovation and maintenance of existing NIST facilities and construction.

The Committee's recommendation provides \$302,000,000 for NIST to tackle a backlog of much-needed improvements and renovations to: reduce the backlog of major repairs; purchase high-efficiency pumps for neutron research; support facility construction at existing joint institutes; renovate general purpose labs; purchase advanced lab equipment; install grid-interconnected solar power systems; support net zero energy building improvements; and improve advanced robotics testing facilities. Renovations shall emphasize the use of green technologies and maximize long-term energy and water savings.

The Committee's recommendation also provides \$55,000,000 for NIST to construct new critical laboratories at its primary facilities to improve safety and to allow the agency to stay up-to-date with industry, and to renovate and construct measurement broadcast stations.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The Committee recommends a total of \$1,222,000,000 for the National Oceanic and Atmospheric Administration [NOAA]. This funding is essential for improving environmental research activities and infrastructure, and is expected to create an estimated 6,000 jobs within the maritime, marine technology, and environmental research communities. NOAA is directed to provide a spend plan no later than 60 days after enactment of this act detailing the proposed use of these funds.

#### OPERATIONS, RESEARCH, AND FACILITIES

The Committee recommends a total of \$427,000,000 to: expand habitat restoration activities; address the hydrographic survey backlog; and accelerate vessel maintenance, which includes technology improvements, major repair periods, meet safe manning requirements, and replace hydrographic survey launches.

#### PROCUREMENT, ACQUISITION, AND CONSTRUCTION

The Committee recommends a total of \$795,000,000 to construct and repair NOAA facilities and equipment. Funds are provided to: implement the fleet modernization plan to address ship maintenance and new construction for the NOAA fleet; accelerate construction of local Weather Forecast Offices, Critical Weather Observing Systems, weather radars and dual polarization systems throughout the country; accelerate construction at regional facilities and laboratories currently under construction; and construct vessels for marine conservation. Within these funds, \$70,000,000 is

directed to specifically support supercomputing activities, especially as they relate to climate research.

DEPARTMENTAL MANAGEMENT

The Committee recommends \$34,000,000 for the Department of Commerce renovation and modernization.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$6,000,000 for the Office of Inspector General [OIG] for oversight and audit of grants, contracts, and programs funded under this act.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

TACTICAL LAW ENFORCEMENT WIRELESS COMMUNICATIONS

The Committee recommends \$200,000,000 for Tactical Law Enforcement Wireless Communications for accelerated integrated force network [IWN] deployment in high priority metropolitan regions. The Department is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

DETENTION TRUSTEE

The Committee recommends \$150,000,000 for the Office of the Federal Detention Trustee [OFDT] for the necessary related to housing Federal detainees.

The Committee recommendation provides \$50,000,000 for the construction and/or physical renovation and related costs for States or local jurisdictions for a commitment to provide housing and related services to the Department for Federal detainees. The Committee's recommendation also includes \$100,000,000 for operational costs associated with the newly constructed/renovated facilities and for maintaining current detention housing and services costs. The Federal Detention Trustee is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$2,000,000 for the Office of Inspector General [OIG] for oversight and audit of grants, contracts, and programs funded under this act.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The Committee recommends \$50,000,000 to implement and enforce the Adam Walsh Child Protection and Safety Act (Public Law 109-248). The United States Marshals Service [USMS] requires funding to hire and equip at least 200 Deputy Marshals and at least 25 associated administrative personnel each year for the next 5 years. This funding is critical and necessary to establish the Na-

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tional Sex Offender Targeting Center, improve the information technology backbone, and reinforce the agency's infrastructure so that Deputy Marshals have timely, accurate investigative information to track down and arrest those who prey on our Nation's children.

#### CONSTRUCTION

The Committee recommends \$125,000,000 for the United States Marshals Service for high priority renovation and repair projects, including construction of USMS space in new courthouses approved by the Administrative Offices of the U.S. Courts [AOUSC], and renovation of existing USMS facilities to address urgent health, safety, and security deficiencies. The Marshals Service is directed to report to the Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

#### FEDERAL BUREAU OF INVESTIGATION

##### SALARIES AND EXPENSES

The Committee recommends \$75,000,000 for the Federal Bureau of Investigation's [FBI] efforts to investigate mortgage fraud, predatory lending financial fraud and market manipulation. The FBI's fraud workload is expected to increase exponentially in the next several months, but the FBI is limited in its ability to devote agents to fraud cases because of the pressing counterterrorism workload. This funding will enable the FBI to increase the number of agents devoted to fraud cases, and will support financial investigative training required for these cases.

#### CONSTRUCTION

The Committee recommends \$400,000,000 for the Federal Bureau of Investigation for high priority construction projects.

#### FEDERAL PRISON SYSTEM

##### BUILDINGS AND FACILITIES

The Committee recommends \$1,000,000,000 for construction, modernization, maintenance, and repair of prison and detention facilities housing Federal inmates. Within this amount, \$700,000,000 is provided for new prison construction necessary to alleviate overcrowding that creates safety risks, and \$300,000,000 is provided to address the significant backlog of major health and safety repairs in the Federal prison facilities. The Federal Prison System is directed to report to the Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

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## STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

## OFFICE ON VIOLENCE AGAINST WOMEN

## VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

As job losses loom and the economy worsens, service providers across the country are reporting an increase in calls relating to domestic violence, rape, and sexual assault. The stress caused by financial hardship makes an already volatile relationship worse; however, scant resources can prevent individuals from leaving abusive situations. The Committee recommends a total of \$300,000,000 for grants to the Office on Violence Against Women, of which \$250,000,000 is for the STOP Violence Against Women Formula Grant Program, and \$50,000,000 is for the Transitional Housing Assistance Program. The STOP Violence Against Women Formula Grant Program is administered by the Office on Violence Against Women [OVW], to promote a coordinated, multidisciplinary approach by States; State, local, and tribal courts; Indian tribal governments; units of local government; and nonprofit, nongovernmental victim services programs to improve the criminal justice system's response to violent crimes against women. The Committee directs the Department of Justice to obligate these funds by formula no later than 60 days after enactment of this act. The Transitional Housing Assistance Program provides competitive, peer-reviewed grants to assist victims of domestic violence, dating violence, sexual assault and stalking who are in need of transitional housing, short-term housing assistance, and related support services. The Department is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

## OFFICE OF JUSTICE PROGRAMS

## STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The Committee recommends a total of \$2,640,000,000 for "State and Local Law Enforcement Assistance."

*Byrne-Justice Assistance Grants.*—The Committee recommends \$1,500,000,000 for Edward Byrne Memorial Justice Assistance Grants. Byrne grant funding is the single most important Federal resource for cops-on-the-beat in our States and local communities. This funding goes by formula to State and local police forces to help them prevent, fight, and prosecute crime. The Committee directs the Department of Justice to obligate these funds by formula no later than 60 days after enactment of this act.

*Byrne Competitive Grants.*—The Committee recommends \$440,000,000 for competitive, peer-reviewed grants to State, local, and tribal governments, and national, regional, and local nonprofit organizations to prevent crime, improve the administration of justice, to provide services to assist victims of crime, to support critical nurturing and mentoring of at-risk children and youth, and for other similar activities. Severe economic downturns are typically associated with sharp increases in crime. Unique conditions caused by the mortgage crisis and housing foreclosure crisis may create a

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dynamic more conducive to criminal behavior in affected neighborhoods and impact law enforcement activities, either by a loss in tax revenue or an uptick in crime around abandoned houses. Additionally, many national, State, and local nonprofit organizations report declines in total revenue and individual contributions, coupled with marked increases in expenses and staff layoffs. Meanwhile, demand has skyrocketed for social services provided by these organizations. The Committee therefore recommends \$440,000,000 in funding for prevention, intervention, and prosecution activities because safe communities are necessary to foster a strong economy, and directs the Department to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

*Rural Drug Enforcement Assistance.*—The Committee recommends \$150,000,000 for grants to combat the persistent problems of drug-related crime in rural America. Drug and gang-related crimes are no longer just a big city problem, and affect rural communities and small towns across the country in growing and alarming ways. Funds would be available on a competitive basis to provide resources specifically for rural drug enforcement assistance and other law enforcement assistance, including the hiring of police officers and funding for community drug prevention and treatment programs for rural areas. Rural States and rural areas in larger States will receive resources needed for community programs and innovative policing to prevent and reduce drug-related, gang-related, and violent crime. The Department is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

*Southwest Border/Project Gunrunner.*—The Committee recommends \$100,000,000 for competitive grants for programs that provide assistance and equipment to local law enforcement along the Southern border or in High-Intensity Drug Trafficking Areas to combat criminal narcotic activity along the Southern border, of which \$10,000,000 shall be for the Bureau of Alcohol, Tobacco, Firearms, and Explosives Project Gunrunner. The Department is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

*Victims' Compensation.*—During the past year, victim service professionals have seen a clear increase in victimization and victim need. The National Crime Victim Helpline has experienced a 25 percent increase in calls during the past year, as job losses and economic stress factor into increased violence in the home and in communities. The Committee therefore recommends \$100,000,000 for formula grants to be administered through the Justice Department's Office for Victims of Crime to support State compensation and assistance programs for victims and survivors of domestic violence, sexual assault, child abuse, drunk driving, homicide, and other Federal and State crimes. The Committee directs the Department of Justice to obligate these funds by formula no later than 60 days after enactment of this act.

*Tribal Law Enforcement Assistance.*—The Committee recommends \$300,000,000 for grants to assist American Indian and

Alaska Native tribes in criminal justice efforts in tribal communities, specifically tribal law enforcement, courts, detention facilities, and substance abuse. Funds are to be distributed under the guidelines set forth by the following Office of Justice administered programs: The Indian Alcohol and Substance Abuse Program, Tribal Courts Assistance Program, and the Correctional Facilities on Tribal Lands Program. The Department is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

*Internet Crimes Against Children [ICAC] Task Force Program.*—The Committee recommends \$50,000,000 to help State and local law enforcement agencies enhance their investigative response to offenders who use the Internet, online communication systems, or other computer technology to sexually exploit children. This help encompasses forensic and investigative and prosecutorial components, training and technical assistance, victim services, information technology and information sharing and community education. The Department is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

#### COMMUNITY ORIENTED POLICING SERVICES

*COPS Hiring Grants.*—The Committee recommends \$1,000,000,000 for grants to State and local governments for the hiring of additional law enforcement officers. The bill waives the cap on the Federal contribution amount of \$75,000 over 3 years for salaries for hiring or rehiring a career law enforcement officer, as this cap is outdated and has not kept pace with cost-of-living increases. The Department is directed to report to the House and Senate Committees on Appropriations on the intended allocation of these funds within 60 days of enactment of this act.

#### SALARIES AND EXPENSES

To achieve greater transparency, efficiency, and accountability in the management, administration, and oversight of the Justice Department grant programs, the Committee designates specific funds for the Salaries and Expenses account within State and Local Law Enforcement Assistance Activities to fund the management and administrative costs of the Justice Department grant programs. For this purpose, the Committee recommends \$10,000,000 for management and administrative costs of such programs.

#### SCIENCE

##### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The Committee recommends a total of \$1,502,000,000 for the National Aeronautics and Space Administration [NASA]. NASA is one of the Nation's premier innovation agencies. Funding recommended for NASA is estimated to create over 10,000 jobs, including 8,000 high-tech jobs.

NASA is directed to report to the Committees on Appropriations with the intended allocation of these funds no later than 60 days after enactment of this act.

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## SCIENCE

The Committee recommends \$500,000,000 for NASA science. Funding is recommended for critical Earth science missions, including to accelerate the highest priority Earth science missions as recommended by the National Academy of Sciences. These critical missions, each comprised of scientific sensors on free-flying spacecraft, will provide critical data about the Earth's resources and climate, including melting ice and greenhouse gases in the atmosphere.

## AERONAUTICS

The Committee recommends \$250,000,000 for high-priority aeronautics activities, which are critical to U.S. competitiveness. Funding is recommended for research and testing of environmentally responsible aircraft to reduce emissions and pollutants from aircraft.

## EXPLORATION

The Committee recommends \$500,000,000 for exploration. Funding is recommended to shorten the gap in time that the Nation does not have a U.S. vehicle to access space after the Space Shuttle is retired in 2010.

## CROSS AGENCY SUPPORT

The Committee recommends \$250,000,000 for high-priority hurricane repair and mitigation, and facility repair projects. Funding is recommended to repair NASA facilities damaged by Hurricane Ike and to reduce the significant backlog of maintenance and repair projects at NASA facilities nationwide. Within the funds provided, \$70,000,000 is to improve NASA's supercomputing capabilities.

## OFFICE OF INSPECTOR GENERAL

The Committee recommends \$2,000,000 for the Office of Inspector General [OIG] for oversight and audit of funds provided by this act.

## NATIONAL SCIENCE FOUNDATION

The Committee recommends a total of \$1,402,000,000 for the National Science Foundation [NSF]. This funding is critical to support valuable investments for America's competitiveness in research and technology, and is expected to create an estimated 25,000 jobs. NSF is directed to provide a spend plan no later than 60 days after enactment of this act detailing the proposed use of these funds.

## RESEARCH AND RELATED ACTIVITIES

The Committee recommends \$1,200,000,000 for Research and Related Activities which is intended to directly impact the research community and engage a workforce of scientists, technicians, engineers, and mathematicians, which will enhance and support the Nation's scientific innovation and economic competitiveness. NSF shall use these funds to support activities within all research disciplines.

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The Foundation is encouraged to renovate and maintain existing NSF facilities, including the University-National Oceanographic Laboratory System vessels and associated property. NSF shall also include \$50,000,000 for supporting advancements in supercomputer technology.

The Committee recommendation includes \$200,000,000 for the Major Research Instrumentation [MRI] Program, including opportunities for "mid-scale" instrumentation whose capital costs are greater than \$2,000,000. NSF shall obligate up to \$6,000,000 for maximum awards as authorized by section 7036(a) of Public Law 110-69. MRI increases access to shared scientific and engineering instruments for research and research training in our Nation's research institutions. This program especially seeks to expand the scope of research and research training in science and engineering by providing shared instrumentation that fosters the integration of research and education in research-intensive learning environments. Given the current economic climate, the Director is encouraged to explore cost-sharing exceptions for MRI opportunities as authorized in section 7036(c)(2)(A) of Public Law 110-69.

## MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The Committee recommends \$150,000,000 to support the acquisition, construction, and commissioning of approved major research facilities and equipment that provide unique capabilities at the frontiers of science and engineering.

## EDUCATION AND HUMAN RESOURCES

The Committee recommends \$50,000,000 to support and improve science, technology, engineering, and mathematics [STEM] education opportunities. Creating a strong science and engineering workforce for the future is essential to maintaining the Nation's competitive edge. NSF shall provide funding for course, curriculum, and laboratory improvement which will improve the quality of STEM education for all undergraduate students.

The Committee recommendation provides \$15,000,000 for Professional Master's Science Programs throughout the country as authorized by section 7034 of Public Law 110-69. These graduate programs, which exist through partnerships between universities and industry, allow students to receive advanced degrees in STEM-related fields while simultaneously providing coursework in law, communications, policy and other workplace skills preparing students with careers in business, government, and nonprofit organizations.

## OFFICE OF INSPECTOR GENERAL

The Committee recommends \$2,000,000 for the Office of Inspector General [OIG] for oversight and audit of grants, contracts, and programs funded under this act.

## GENERAL PROVISIONS—THIS TITLE

The Committee recommends the following general provisions:

SEC. 201. Establishes the Broadband Technology Opportunities Program.

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SEC. 202. Modifies authorities of the NTIA Administrator to cancel and re-issue expired coupons under the Digital-to-Analog Converter Box Program.

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TITLE III—DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE OVERVIEW

*Facility Infrastructure Investments, Defense.*—The bill provides an additional \$2,984,000,000 for Facilities Sustainment, Restoration and Modernization. Funds shall be used to invest in energy efficiency projects and to improve the repair and modernization of Department of Defense facilities in the Continental United States, Alaska, and Hawaii. The Department of Defense shall provide a written report to the Committee no later than 60 days after the passage of this act with a project listing of how these funds will be obligated. The Committee provides the following for Facilities Sustainment, Restoration and Modernization:

(In thousands of dollars)

Appropriation	Committee recommendation
Operation and Maintenance, Army .....	1,069,291
Operation and Maintenance, Navy .....	531,843
Operation and Maintenance, Marine Corps .....	92,167
Operation and Maintenance, Air Force .....	887,113
Operation and Maintenance, Army Reserve .....	79,543
Operation and Maintenance, Navy Reserve .....	44,586
Operation and Maintenance, Marine Corps Reserve .....	32,304
Operation and Maintenance, Air Force Reserve .....	10,674
Operation and Maintenance, Army National Guard .....	215,557
Operation and Maintenance, Air National Guard .....	20,922

*Alternative Energy Vehicles.*—The bill provides an additional \$200,000,000 in Operation and Maintenance to the Army, Navy, Air Force and Marine Corps for the lease of alternative energy vehicles for use in support functions on military installations consistent with the Defense Department's energy objectives. The Department of Defense shall provide a written report to the Committee no later than 60 days after the passage of this act detailing the execution plan for these funds. The Committee provides the following for the lease of alternative energy vehicles:

(In thousands of dollars)

Appropriation	Committee recommendation
Operation and Maintenance, Army .....	100,000
Operation and Maintenance, Navy .....	40,000
Operation and Maintenance, Air Force .....	40,000
Operation and Maintenance, Marine Corps .....	20,000

PROCUREMENT

DEFENSE PRODUCTION ACT PURCHASES

*Alternative Vehicle Technologies.*—The bill provides an additional \$100,000,000 in Defense Production Act Purchases for lithium ion batteries, robotics, fuel cells and other alternative technologies for next generation vehicles that address the military's higher power and energy needs, to include exportable power and reduced fuel

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consumption. The Department of Defense shall provide a written report to the Committee no later than 60 days after the passage of this act with a project listing of how these funds will be obligated.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION

##### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

*Manufacturing Technology Program.*—The bill provides an additional \$200,000,000 in Research, Development, Test and Evaluation, Defense-Wide for rapid technology transitions and the demonstration of energy efficiency technologies for use by operational forces and military installations, to include fuel cell and solar cell demonstrations and energy efficient manufacturing enhancements for the defense industrial base. The Department of Defense shall provide a written report to the Committee no later than 60 days after the passage of this act with a project listing of how these funds will be obligated.

#### OTHER DEPARTMENT OF DEFENSE PROGRAMS

##### DEFENSE HEALTH PROGRAM

*Facility Infrastructure Investments, Defense Health Program.*—The bill provides an additional \$250,000,000 for Facilities Sustainment, Restoration and Modernization. Of these funds, \$130,000,000 shall be for the Army and \$120,000,000 shall be for the Air Force. Funds shall be used to invest in energy efficiency projects and to improve the repair and modernization of Defense Health facilities in the Continental United States, Alaska and Hawaii. The Army and the Air Force shall provide written reports to the Committee no later than 60 days after the passage of this act with a project listing of how and when these funds will be obligated.

##### OFFICE OF THE INSPECTOR GENERAL

*Office of the Inspector General.*—The bill provides an additional \$12,000,000, all of which shall be used for operation and maintenance. The increase will allow the Department of Defense Inspector General to provide additional oversight of contracted services for Department of Defense programs to include military construction.

TITLE IV—ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INTRODUCTION

The Committee recommends \$4,600,000,000 under this heading to accelerate ongoing work within the Corps. The Committee recognizes that the programs, projects and activities of the Corps of Engineers provide positive economic benefits to the Nation through reduction of flood and storm damages, transportation savings, and environmental restoration. It is estimated that a program of this magnitude will create 139,000 jobs nationwide, directly creating almost 37,000 new private sector jobs with the average income for workers in these jobs between \$38,000 and \$42,500. 102,000 new jobs are estimated to be created in industries supplying the construction and O&M activities and the industries that sell goods and services to these new workers and their families.

The Committee has granted extraordinary discretion to the administration in determining how the funds provided in this act should be expended. The Committee believes the Corps should consider the following criteria when allocating these funds.

Funds should be allocated to:

(a) Programs, projects, or activities that can be obligated/executed quickly.

(b) Programs, projects, or activities that will result in high, immediate employment.

(c) Programs, projects, or activities that have little schedule risk.

(d) Programs, projects, or activities that will be executed by contract or direct hire of temporary labor.

(e) Programs, projects, or activities that will complete either a project phase, a project, or will provide a useful service that does not require additional funding.

(f) Programs, projects, or activities that do not duplicate any work budgeted in fiscal year 2009, or likely to be budgeted in fiscal year 2010 or fiscal year 2011.

For projects that have approximately equivalent impacts on labor or economic stimulus the Corps should also consider other benefits such as long-term economic benefit, environmental value, risk to life or property and project support to sustainable energy independence.

The Committee provides a number of provisions in the various accounts of the Corps to try to expedite the obligation and expenditure of the funds provided by this act. The Committee directs that no new programs, projects, or activities may be initiated by the Corps with these funds. There is sufficient backlog of on-going work to fund without undertaking newly authorized work. The Committee also directs that work funded by this act not create out-year budget obligations. The recommended funds are additional Corps of Engineers capability above the Corps' budget request for fiscal year 2009 and likely to be budgeted in fiscal year 2010. Ap-

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appropriation of these funds should not impact the planned fiscal year 2010 or 2011 administration budget request. The Committee recognizes that while contract funds may be obligated within the timeframe of this act, contract administration of those contracts may extend beyond the timeframe of this act. Therefore, the Committee includes a provision that allows for use of expired funds provided by this act to be utilized for contract administration activities. The Committee has also waived normal reprogramming restrictions.

The Committee believes that the recommendations and the direction provided in this act will assist the Corps in maximizing fund utilization and job creation while providing tangible water resources infrastructure that will continue to benefit the Nation's economy.

#### INVESTIGATIONS

The Committee recommends \$25,000,000 to fund studies to determine the need, engineering feasibility, economic justification, and the environmental and social suitability of solutions to water and related land resource problems; and for preconstruction engineering and design work, data collection, and interagency coordination and research activities.

The Committee recommends that these funds be used to accelerate high priority flood control, storm damage reduction, navigation, and environmental restoration studies. The Committee recommends that priority in allocating these funds should be towards completing on-going studies or for accelerating studies of areas that have suffered recent natural disasters.

#### CONSTRUCTION

The Committee recommends \$2,000,000,000 to fund construction, major rehabilitation and related activities for water resources development projects having navigation, flood and storm damage reduction, water supply, hydroelectric, environmental restoration, and other attendant benefits to the Nation. Funds to be derived from the Harbor Maintenance Trust Fund will be applied to cover the Federal share of the Dredged Material Disposal Facilities Program.

The Committee recommends a number of provisions to assist in expediting obligation and expenditure of funds provided by this act. Due to the amount of funding provided in this act under this heading and the shortage of funding in the Inland Waterway Trust Fund, the Committee includes direction that no funds be drawn from the Inland Waterway Trust Fund for programs, projects or activities funded by this act. Also, due to the amount of funding provided, the Committee waives the requirements of section 902 of Public Law 99-662 for fiscal year 2009. This will allow section 902 issues that are identified in fiscal year 2009 to be addressed by the appropriate legislative vehicle. The Committee has directed that not less than \$200,000,000 be provided for environmental infrastructure assistance. Most of these funds are reimbursable funds for work undertaken by local sponsors. Consequently, for the funds provided in this act under this heading the Committee waives the per-year cap on reimbursements that the Corps can provide in a

fiscal year. To address the backlog of underfunded projects in the Continuing Authorities Program [CAP] queue, the Committee waives the per-year caps on section 14, 205, 206, and 1135 of the CAP.

The Committee is not recommending funding of specific projects in this act. However, the Committee has had extensive consultations with the Corps concerning how the funds provided under this heading could be used in broad program categories. The Committee recommends, as a general guideline, that the \$2,000,000,000 provided be expended as follows: \$500,000,000 for major rehabilitation of inland waterway locks and dams; \$200,000,000 for dam safety/scour repair/seepage stability correction projects; \$200,000,000 for other deep-draft and coastal navigation projects; \$400,000,000 for flood control and storm damage reduction projects; \$150,000,000 for CAP projects; \$100,000,000 for major rehabilitation work of Corps owned hydropower units; \$250,000,000 for environmental restoration projects and \$200,000,000 for environmental infrastructure assistance. This delineation was developed from capability amounts expressed by the Corps—not from any project listing.

#### MISSISSIPPI RIVER AND TRIBUTARIES

The Committee recommends \$500,000,000 for planning, construction, and operation and maintenance activities associated with water resource projects for Mississippi River and Tributaries projects. The Committee is not recommending funding of specific projects in this act. However, after consulting with the Corps, the Committee recommends as a general guide that \$100,000,000 of the funds provided under this heading be used for Mississippi River and Tributaries maintenance and \$400,000,000 be used for investigation and construction activities related to flood control, navigation, and environmental restoration activities along both the main stream and the tributaries of the Mississippi River.

#### OPERATION AND MAINTENANCE

The Committee recommends \$1,900,000,000 for operation, maintenance, and related activities at the water resources projects that the Corps operates and maintains. Work to be accomplished consists of dredging, repair, and operation of structures and other facilities, as authorized in the various River and Harbor, Flood Control, and Water Resources Development Acts. Related activities include aquatic plant control, monitoring of completed projects where appropriate, removal of sunken vessels, and the collection of domestic waterborne commerce statistics.

The Committee is concerned about the lack of information available about the integrity and stability of our Nations' flood control infrastructure, particularly after the devastating effects that were graphically demonstrated by the levee failures associated with Hurricane Katrina. As a result of Hurricane Katrina, the Corps initiated a program to inventory, inspect and evaluate levees nationwide. This program was memorialized in section 9004 of Public Law 110-114. The program has been woefully underfunded so the Committee has directed that \$90,000,000 of the funds provided under this heading should be utilized for this purpose. The Com-

mittee has also provided direction that the per-year funding limit on this program be waived for funds provided in this act.

The Committee is not recommending funding of specific projects in this act. However, the Committee has had extensive consultations with the Corps concerning how the funds provided under this heading could be used in broad program categories. The Committee recommends, as a general guideline, that the \$1,900,000,000 provided be expended as follows: \$1,000,000,000 for dredging Federal harbors and waterways to authorized widths and depths; \$600,000,000 for major maintenance of flood control, navigation, and public use facilities; \$100,000,000 for major maintenance of Corps owned hydropower plants; \$110,000,000 for environmental and cultural stewardship activities at Corps facilities; and \$90,000,000 for the levee inventory and inspection program. This delineation was developed from capability amounts expressed by the Corps—not from any project listing.

#### REGULATORY

The Committee recommends \$25,000,000 for additional regulatory activities required for the work funded in this act.

#### FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

The Committee recommends \$100,000,000 for activities related to the Formerly Utilized Sites Remedial Action Program [FUSRAP]. The Corps is directed to prioritize this funding for sites that are nearing completion.

#### FLOOD CONTROL AND COASTAL EMERGENCIES

The Committee recommends \$50,000,000 under this heading to be used for advance measures and pre-placement of materials and equipment for emergency operations and for other purposes as authorized by law.

#### DEPARTMENT OF THE INTERIOR

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

The Committee recommends \$1,400,000,000 to support the development, management, and restoration of water and related natural resources in the 17 Western States. Additionally the funds are for operating and maintaining existing facilities to obtain the greatest overall level of benefits, to protect public safety, and to conduct studies on ways to improve the use of water and related natural resources. The work is to be done in partnership and cooperation with non-Federal entities and other Federal agencies. The Committee recognizes that the programs, projects, and activities of the Bureau of Reclamation provide positive economic benefits to the Nation through their mission of providing water and power to the West. It is estimated that a program of this magnitude under this heading will create 42,500 jobs nationwide, directly creating almost 11,500 new private sector jobs. 31,000 new jobs are estimated to be created in industries supplying the funded activities and the indus-

tries that sell goods and services to these new workers and their families.

The Committee has granted extraordinary discretion to the administration in determining how the funds provided in this act should be expended. The Committee believes the Reclamation should consider the following criteria when allocating these funds.

Funds should be allocated to:

(a) Programs, projects, or activities that can be obligated/executed quickly.

(b) Programs, projects, or activities that will result in high, immediate employment.

(c) Programs, projects, or activities that have little schedule risk.

(d) Programs, projects, or activities that will be executed by contract or direct hire of temporary labor.

(e) Programs, projects, or activities that will complete either a project phase, a project, or will provide a useful service that does not require additional funding.

(f) Programs, projects, or activities that do not duplicate any work budgeted in fiscal year 2009, or likely to be budgeted in fiscal year 2010 or fiscal year 2011.

For projects that have approximately equivalent impacts on labor or economic stimulus Reclamation should also consider other benefits such as long-term economic benefit, environmental value, risk to life or property, and project support to sustainable energy independence.

The Committee provides a number of provisions to expedite the obligation and expenditure of the funds provided under this heading by this act. The Committee directs that no new programs, projects, or activities may be initiated by the Bureau of Reclamation with these funds. There is sufficient backlog of on-going work to fund without undertaking newly authorized work. The Committee also directs that work funded by this act not create out-year budget obligations. The recommended funds are additional Bureau of Reclamation capability above Reclamation's budget request for fiscal year 2009 and likely to be budgeted in fiscal year 2010. Appropriation of these funds should not impact the planned fiscal year 2010 or 2011 administration budget request. The Committee recognizes that while contract funds may be obligated within the timeframe of this act, contract administration of those contracts may extend beyond the timeframe of this act. Therefore, the Committee includes a provision that allows for use of expired funds provided by this act to be utilized for contract administration activities. The Committee has also waived normal reprogramming restrictions.

The Committee has directed funding to several program categories within this account. \$50,000,000 may be transferred to the Department of the Interior for programs, projects or activities to be undertaken under the authority of the Central Utah Project Completion Act. \$50,000,000 may be directed to programs, projects and activities to be undertaken under the authority of the California Bay-Delta Restoration Act. Due to recent canal failures resulting in flooding homes and property in urban areas, the Committee directs \$10,000,000 for a bureau-wide inspection of canals program. The Committee recommends that \$60,000,000 be used for intake and

water treatment facilities on rural water projects. The Committee directs that \$110,000,000 be used for water reclamation and reuse projects authorized under title 16 of Public Law 102-575. Finally, the Committee has included direction allowing the Commissioner to establish needs-based criteria for allowing extended repayment for maintenance and rehabilitation activities carried out on Reclamation-owned infrastructure with funds provided in this act.

The Committee believes that it is prudent of Reclamation to consider the environmental benefits when allocating the funds under this heading. Examples of this might include improving the efficiency of water delivery systems to provide water for environmental purposes, modifications to facilities to promote fish passage, removal of unused or derelict facilities, consolidation of irrigation or other diversions to provide environmental benefit, and for restoration of riparian habitats to meet endangered species or other environmental goals.

The Committee believes that the recommendations and the direction provided in this act will assist the Bureau of Reclamation in maximizing fund utilization and job creation while providing tangible water resources infrastructure that will continue to benefit the Nation's economy.

The Committee is not recommending funding of specific projects in this act. However, the Committee has had extensive consultations with the Bureau of Reclamation how the funds provided under this heading could be used in broad program categories. The Committee recommends, as a general guideline, that the \$1,400,000,000 provided be expended as follows: \$10,000,000 for an inventory and evaluation of existing infrastructure focused on areas that could potentially impact population centers; \$235,000,000 for maintenance or replacement of Reclamation-owned and operated infrastructure; \$25,000,000 for drought preparation and emergency response activities; \$20,000,000 for improving energy efficiency at Reclamation owned facilities and for Reclamation-owned and operated hydropower maintenance and rehabilitation; \$300,000,000 for tribal and non-tribal rural water project construction; \$110,000,000 for water reclamation and reuse projects; \$500,000,000 for construction of water delivery projects, including CUPCA activities, fish screens, dam safety, CALFED activities, etc; and \$200,000,000 for major rehabilitation of Reclamation owned water resource infrastructure that has deteriorated as a result of reaching its design life or other factors. This delineation was developed from capability amounts expressed by Reclamation—not from any project listing.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

The Committee provides \$14,398,000,000 for a number of Energy Efficiency and Renewable Energy activities.

A total of \$2,000,000,000 is provided for grants for the manufacturing of advanced batteries and components. The Secretary shall provide facility funding awards under this section to manufacturers

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of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers.

An additional \$2,648,000,000 shall be available for expenses necessary for energy efficiency and renewable energy research, development, demonstration and deployment activities to accelerate the development of technologies that will diversify the Nation's energy portfolio and contribute to a reliable, domestic energy supply. The Department is encouraged to fund the energy-intensive industries program authorized in section 452 of Public Law 110-140, including carrying out industrial energy efficiency and sustainability assessments through the Department of Energy's Industrial Assessment Centers. The Committee provides \$50,000,000 within the available funds for the Department to increase the efficiency of information and communications technology and identify goals and standards for efficiency standards for improving standards for computational information and communications technology. The Department is also encouraged to fund section 633 of Public Law 110-140 and section 625 of Public Law 110-140.

The Committee suggests \$350,000,000 for grants to implement section 721 of the Energy Policy Act of 2005 for acquisition and alternative fuel or fuel-cell vehicles, especially for transportation purposes.

The Committee suggests \$200,000,000 for grants to States under section 131 of the Energy Independence and Security Act of 2007 to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of plug-in electric drive vehicles and for near-term, large-scale electrification projects aimed at the transportation sector.

\$4,200,000,000 is provided for Energy Efficiency and Conservation Block Grants for implementation of programs authorized under subtitle E of title V of the Energy Independence and Security Act of 2007. Of the total, \$2,100,000,000 is available for award using the existing formula in subtitle E. The remaining \$2,100,000,000 is to be competitively awarded to grantees from States that have adopted the most recent building code standards, as well as meet the other requirements of this bill and the Energy Independence and Security Act of 2007.

The State Energy Programs are provided \$500,000,000.

\$1,600,000,000 is provided to implement section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6341) for grants to be made available to schools and hospitals, which are significant users of energy.

\$2,900,000,000 shall be available for the Weatherization Assistance Program. Changes contained in the General Provisions amend the income level percentage formula for determining the eligibility, increases the assistance level per dwelling unit, and increases the funding ceiling for worker training.

#### ELECTRICITY DELIVERY AND ENERGY RELIABILITY

The Committee provides \$4,500,000,000 for expenses necessary for electricity delivery and energy reliability activities to modernize the electric grid, enhance security and reliability of the energy in-

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frastructure, energy storage research, development, demonstration and deployment, and facilitate recovery from disruptions to the energy supply, and for implementation of programs authorized under title XIII of the Energy Independence and Security Act of 2007. The Committee directs the Department to provide no less than \$200,000,000 to support energy storage technologies to improve the renewable integration, load management, and reliability and no less than \$100,000,000 to improve cyber security capabilities. Within the appropriation, \$100,000,000 shall be used for worker training.

#### FOSSIL ENERGY RESEARCH AND DEVELOPMENT

The Committee provides an additional \$4,600,000,000, to remain available for projects awarded by September 30, 2010. Of the amounts appropriated, \$2,000,000,000 is available for one or more near-zero emissions powerplant(s) designed to capture and sequester a high percentage of carbon dioxide.

Of the amounts appropriated, \$1,000,000,000 is available, in addition to amounts appropriated in the fiscal year 2009 spending bill and such other amounts available from prior appropriations, for selections under the Department's Clean Coal Power Initiative Round III Funding Opportunity Announcement. The Department is encouraged to establish a second closing date on or after April 1, 2009 for the receipt of new or modified applications. Notwithstanding the mandatory eligibility requirements of the Funding Opportunity Announcement, the Committee finds that projects using petroleum coke as a fuel may directly lead to improvements in technology applicable to coal-based systems and is consistent with program objectives. Therefore, language is included in the bill directing the Department to consider applications that utilize petroleum coke for some or all of the project's fuel input.

Of the amounts appropriated, \$1,520,000,000 is available for a competitive solicitation pursuant to section 703 of Public Law 110-140 for projects that demonstrate carbon capture from industrial sources. Such projects may include plant efficiency improvements for integration with carbon capture technology. Preferences will be given to projects that capture and sequester at least 75 percent of the carbon dioxide that would otherwise be emitted to the atmosphere or put such carbon dioxide to beneficial reuse that provides an equivalent net reduction of carbon emissions to the atmosphere.

Of the amounts appropriated, \$50,000,000 is available for a competitive solicitation pursuant to section 702(c)(3)(B) of Public Law 110-140 to conduct site characterization for a minimum of 10 candidate geologic sequestration formations. The Secretary may provide awards to project recipients previously provided funding for large-scale testing by the Department of Energy. Performance should be given to qualifying projects which include a private-public partnership with State Geological Surveys, and have storage sites near high point sources of carbon dioxide emissions.

\$20,000,000 is available to carry out the geologic sequestration training and research grant program authorized in section 705(b) of Public Law 110-140, and \$10,000,000 is available for program direction funding. The Committee recognizes the broad sequestration experience resident in the Office of Fossil Energy.

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## NON-DEFENSE ENVIRONMENTAL CLEANUP

An additional \$483,000,000 is provided. The funding should be applied to projects of limited duration at the various cleanup sites for which the objective is primarily to decrease the overall site footprint and reduce recurring annual costs.

## URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

An additional \$390,000,000 is provided. The funding should be applied to projects of limited duration at the various cleanup sites for which the objective is primarily to decrease the overall site footprint and reduce recurring annual costs. Within the available funds, \$70,000,000 is provided for the title X uranium and thorium program.

## SCIENCE

The Committee provides \$430,000,000 for the Science Program. Of the total, \$330,000,000 is for laboratory infrastructure and construction, and \$100,000,000 is for advanced computer research and development.

## TITLE 17—INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

The Committee provides an additional \$10,000,000,000, to remain available until expended for loan guarantees to standard renewable projects such as wind or solar projects and for electricity transmission projects. From within the available funds, up to \$10,000,000 may be used to cover administrative expenses in carrying out the guaranteed loan program. A General Provision permits the Secretary to temporarily make loans for renewable and transmission projects that are based on commercially available technology, a category of projects not included in the original statute.

## OFFICE OF THE INSPECTOR GENERAL

The Committee recommends \$5,000,000, to remain available until expended, for necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended.

## ATOMIC ENERGY DEFENSE ACTIVITIES

### NATIONAL NUCLEAR SECURITY ADMINISTRATION

#### WEAPONS ACTIVITIES

The Committee provides \$1,000,000,000, of which \$900,000,000 is to be applied to address maintenance and general plant project backlogs, other construction activities, and various energy projects throughout the weapons complex. The remaining \$100,000,000 is for advanced computer research and development.

**ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES**

**DEFENSE ENVIRONMENTAL CLEANUP**

An additional \$5,527,000,000 is provided. The funding should be applied to projects of limited duration at the various cleanup sites for which the objective is primarily to decrease the overall site footprint and reduce recurring annual costs.

**CONSTRUCTION, REHABILITATION, OPERATION, AND MAINTENANCE,  
WESTERN AREA POWER ADMINISTRATION**

The Committee recommends \$10,000,000, to remain available until expended, for start-up expenses incurred in implementing the authority granted by section 402 of this act. This appropriation is non-reimbursable.

**GENERAL PROVISIONS—THIS TITLE**

**SEC. 401.** Increases Bonneville Power Administration borrowing authority ceiling by \$3,250,000,000.

**SEC. 402.** Increases Western Area Power Administration borrowing authority ceiling by \$3,250,000,000.

**SEC. 403.** Amendments to title XIII of EISA to provide financial support to smart grid demonstration projects including those in rural areas and areas where the majority of generation and transmission assets are controlled by a tax-exempt entity.

**SEC. 404.** Amendment to title XVII of EISA for a Temporary Stimulus Loan Guarantee Program to create a temporary program for the rapid deployment of renewable energy and electric power transmission projects.

**SEC. 405.** Amends the Weatherization Assistance Program for the income level percentage formula for determining and expanding the eligibility of this program, increases the funding assistance level per dwelling unit, and increases the funding ceiling for worker training.

**SEC. 406.** To redesignate two paragraphs of the Public Utility Regulatory Policies Act of 1978 related to smart grid investment and information requirements.

## TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

### DEPARTMENT OF THE TREASURY

#### COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

The Committee recommends \$250,000,000 for the Community Development Financial Institutions Fund. Of the recommended funds, up to \$20,000,000 is for technical assistance and other purposes for Native American, Native Hawaiian, and Alaskan Native communities and up to \$5,000,000 is for administrative costs. The Committee directs that no later than 60 days after enactment of this act, the Department of Treasury submit a detailed expenditure plan to the Committees on Appropriations of House of Representatives and the Senate for funds provided under this heading.

Funding awards will immediately provide capital to new and existing qualified community development financial institutions [CDFIs] to invest in the development of underserved communities through grants, loans, equity investments, deposits, and technical assistance grants through the CDFI program. CDFIs include community development banks, credit unions, venture capital funds, revolving loan funds, and microloan funds, among others. Recipient institutions engage in lending and investment for affordable housing, small business, and community development within underserved communities.

### DISTRICT OF COLUMBIA

#### FEDERAL PAYMENTS

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

The Committee recommends a Federal payment of \$125,000,000, to be matched with 100 percent local funds to continue implementation of the Combined Sewer Overflow [CSO] Long-Term Control Plan, a \$2,200,000,000, 20-year sewer construction program. The Committee directs that no later than 60 days after enactment of this act, the District of Columbia Water and Sewer Authority submit a detailed expenditure plan to the Committees on Appropriations of House of Representatives and the Senate. The Committee further directs that such spending plan shall include a description of each specific project, how specific projects will further the objectives of the Long-Term Control Plan, and all funding sources for each project. The Committee expects ratepayers to bear half of the costs of the projects.

Approximately one-third of the District of Columbia is served by a combined sewer system, constructed by the Federal Government in 1890, in which both sanitary waste and storm water flow through the same pipes. When the collection system or the Blue Plains treatment plant reach capacity, typically during periods of heavy rainfall, the system is designed to overflow the excess water. This mixture of sewage and storm water runoff is discharged to the Anacostia and Potomac Rivers, Rock Creek, and tributary waters

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between 60 and 75 times each year. Under a judicial consent decree, the District of Columbia Water and Sewer Authority [WASA] embarked on a 20-year, \$2,200,000,000 sewer construction program to reduce combined sewer overflows [CSOs]. The program includes deep underground storage tunnels, side tunnels to reduce flooding, pump station rehabilitation, and the elimination of over a dozen CSO outfalls along the Potomac and Anacostia Rivers and Rock Creek. When completed in 2025, this project is expected to vastly improve water quality and significantly reduce debris in our Nation's capital waterways.

The District of Columbia Water and Sewer Authority [WASA] has identified three dozen specific near-term activities of either an engineering (design/program management) or construction nature that would create potentially as many as 260 jobs in the District of Columbia and permit considerable progress to be made on critical sewer infrastructure improvements.

The Committee recommends this significant investment because of the Federal Government's role in building the original system and its responsibility to maintain the infrastructure that the Federal Government uses. The scale and cost of this project exemplifies how critical infrastructure, starved over the years, is now nearly non-functional.

## GENERAL SERVICES ADMINISTRATION

### REAL PROPERTY ACTIVITIES

#### FEDERAL BUILDINGS FUND

#### LIMITATION ON AVAILABILITY OF REVENUE

#### (INCLUDING TRANSFER OF FUNDS)

The Committee recommends an appropriation of \$9,048,000,000 to the Federal Buildings Fund. The funding level provides for construction and acquisition, and repairs and alterations of Federal buildings and United States courthouses, and border stations (land ports of entry). Of this amount, \$1,400,000,000 is for construction and repair of Federal buildings and courthouses and \$1,200,000,000 is for construction and repair of border stations. Funds are also made available under title VI through the Department of Homeland Security for construction and repair of land border ports of entry.

Funding is also provided for measures necessary to implement the Energy Independence and Security Act of 2007 [EISA] (Public Law 110-140) in Government-owned and leased facilities under the control of the General Services Administration [GSA]. With the \$6,000,000,000 provided, GSA is directed to use green technology to address the backlog of \$8,400,000,000 of repair projects. In addition, the Committee recommends \$4,000,000 and nine FTE to formally establish the Office of Federal High-Performance Green Buildings, as authorized by the Energy Independence and Security Act [EISA] of 2007 (Public Law 110-140). The new office will enhance GSA's ability to develop high-performance green building standards for all types of Federal facilities, establish green prac-

tices, and identify a certification system for Federal green buildings.

Contract award for construction and repair projects is expected within 120 days so that work can be undertaken as expeditiously as possible.

GSA is directed to submit an expenditure plan to the Committees on Appropriations of the House of Representatives and the Senate within 60 days after the enactment of this act. The expenditure plan shall identify each prospectus-level construction and acquisition or repairs and alterations project to be funded by the amounts provided in this section. For each project, the plan shall identify total project cost, the total amount to be obligated from funds provided in this section, and the expected year of obligation. The plan shall address the highest priorities of the administration in the areas of Federal buildings and United States courthouses, border stations, and "green" buildings. GSA is further directed to provide an update on the status of the projects, use of funds, and next steps, to the House of Representatives and Senate Appropriations Committees no later than 150 days after the enactment of this act.

Within the aggregate amounts provided for Federal buildings and courthouses, GSA may allocate an additional amount for leasing of temporary space, up to an aggregate amount of \$108,000,000. Within the aggregate amounts provided for Federal buildings and United States courthouses, border stations, and green buildings, GSA may allocate up to an aggregate amount of \$206,000,000 for the administrative costs of completing projects funded in this act. GSA may provide for the expenses associated with temporary displacement of tenants of Federal buildings undergoing repairs and alterations, to the extent necessary, from funds made available for "Repairs and Alterations" and "Building Operations" under this and previous acts. However, where possible, tenant agencies are expected to request funding for their costs through the annual appropriations process.

For consolidation of the Department of Homeland Security headquarters, the Committee recommends \$448,000,000 for construction and development. Funds are also made available under title VI through the Department of Homeland Security for this purpose.

#### ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT

The Committee recommends an appropriation of \$600,000,000 to the General Services Administration's Federal Acquisition Service for the acquisition of high-efficiency motor vehicles for the Federal motor vehicle fleet. The funding level provides for the acquisition of motor vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles, as well as for infrastructure and alterations to Federal buildings necessary to support the motor vehicles, including charging stations.

Motor vehicles acquired through this act may be used for the GSA motor vehicle fleet, or may be transferred to other Federal agencies. Funds provided are not to be used to expand the Federal fleet and, if GSA transfers vehicles acquired through this act to other Federal agencies, the Committee directs the Administrator of

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General Services to ensure that those agencies return less efficient vehicles to GSA for disposal on at least a one-for-one basis.

The Committee expects that the funds provided for Federal motor vehicle fleet procurement will help to stimulate the market for high-efficiency motor vehicles and will increase the fuel efficiency and reduce carbon emissions of the Federal motor vehicle fleet. The Committee remains hopeful that domestically produced, plug-in hybrid-electric vehicles will be commercially available in sufficient quantities before September 30, 2010, such that these funds could be used to acquire this technology for the Federal fleet.

The Administrator of General Services is directed to submit a status report to the Committees on Appropriations of the House of Representatives and the Senate no later than 150 days after the enactment of this act on the types of vehicles purchased, the fuel efficiency gained, the agencies receiving transferred funds, and future plans.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$2,000,000 for the Office of Inspector General for oversight and audits of programs funded in this act.

#### RECOVERY ACT ACCOUNTABILITY AND TRANSPARENCY BOARD

The Committee recommends \$7,000,000 for the Recovery Act Accountability and Transparency Board established in title XVI of this act. The Committee directs that funding shall be transferred as necessary to the Recovery Independent Advisory Panel, the Office of Management and Budget, and the General Services Administration as authorized in title XV of this act. Funding will support operating expenses, including information technology investments, to support activities related to accountability, transparency, and oversight of spending under this act.

#### SMALL BUSINESS ADMINISTRATION

##### SALARIES AND EXPENSES

The Committee recommends \$84,000,000, of which \$24,000,000 is for technical assistance under the Microloan program, \$15,000,000 is for lender oversight activities, and \$20,000,000 is for improving, streamlining, and automating information technology systems related to lender processes and lender oversight. The Committee directs that remaining funds shall be used for necessary expenses for implementing changes to loan programs made under this act and for enhanced lender oversight and credit risk management activities. The Committee directs that no later than 60 days after enactment of this act, the Small Business Administration submit a detailed expenditure plan for funds provided in this act for the Small Business Administration to the Committees on Appropriations of House of Representatives and the Senate.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommends \$10,000,000 for the Office of Inspector General for oversight and audits of programs funded in this act.

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## SURETY BOND GUARANTEES REVOLVING FUND

The Committee recommends \$15,000,000 for surety bond guarantees.

## BUSINESS LOANS PROGRAM ACCOUNT

The Committee recommends \$615,000,000 in subsidy appropriations for guaranteed loans, including \$515,000,000 for the 7(a) general business guaranteed loan program to fund a temporary elimination of lender and borrower fees and \$100,000,000 to fund a temporary elimination of certain lender and borrower fees under the 504 guaranteed loan program. The Committee is concerned that small businesses maintain adequate access to loans as the market for credit continues to tighten. In October 2008, a Federal Reserve Board survey showed that 75 percent of domestic institutions reported tightening lending standards to small businesses, up from just one-tenth reported 12 months earlier. Data from the Small Business Administration shows that loan volume guaranteed under the 7(a) and 504 programs in 2008 fell far short of the 2007 volume and that the 2009 volume continues to slow significantly. The Committee recommends temporarily subsidizing the 7(a) and 504 programs in order to reinvigorate small business lending.

In addition, the Committee recommends \$6,000,000 in subsidy appropriations to support additional lending under the microloan program in order to meet the increase in demand resulting from the shrinking availability of credit in the market.

## ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

SEC. 501. Temporarily eliminates fees under the 7(a) general business guaranteed loan program and temporarily eliminates certain fees under the 504 guaranteed loan program.

SEC. 502. Makes changes to requirements under the 7(a) general business guaranteed loan program, the Small Business Investment Company program, and the 504 guaranteed loan program.

SEC. 503. Authorizes the Small Business Administration to refinance certain small business loans under the 504 guaranteed loan program.

SEC. 504. Establishes definitions for provisions under the heading "Small Business Administration".

TITLE VI—DEPARTMENT OF HOMELAND SECURITY

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

The Committee recommends \$248,000,000 for the Office of the Under Secretary for Management. These funds are for the consolidation of the Department of Homeland Security headquarters, which is currently spread throughout 70 buildings and 40 sites across the National Capital Region. Funds are also made available under title V to the General Services Administration [GSA] for this purpose. The final Environmental Impact Statement for this activity found that the project would create direct employment opportunities for 32,917 people in the region, not including the Federal employees working at the consolidated headquarters. Bill language is included directing the Secretary of Homeland Security, in consultation with the Administrator of General Services, to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of the act, a plan for the expenditure of these funds.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$5,000,000 for the Office of Inspector General. These funds shall be used for oversight and audit of programs, grants, and projects.

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

The Committee recommends \$198,000,000 for U.S. Customs and Border Protection [CBP] Salaries and Expenses. Of this amount, \$100,800,000 is for the procurement and deployment of non-intrusive inspection systems to improve port security; and \$97,200,000 is for procurement and deployment of tactical communications equipment and radios. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

The Committee recommends \$200,000,000 for Border Security Fencing, Infrastructure, and Technology. These funds are for expedited development and deployment of border security technology on the Southwest border. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

CONSTRUCTION

The Committee recommends \$800,000,000 for Construction. These funds shall be used to construct, alter, enhance, expand, re-

pair, and/or improve CBP-owned land border ports of entry. Included in this amount is funding to enhance construction program management and oversight. CBP estimates that these funds would create more than 8,700 jobs. Funds are also made available under title V to the General Services Administration for construction and repair of land border ports of entry owned by GSA. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

## U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

### AUTOMATION MODERNIZATION

The Committee recommends \$27,800,000 for Automation Modernization. These funds shall be used for the procurement and deployment of tactical communications equipment and radios. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

## TRANSPORTATION SECURITY ADMINISTRATION

### AVIATION SECURITY

The Committee recommends \$1,200,000,000 for Aviation Security for the procurement and installation of checked baggage explosives detection systems and checkpoint explosives detection equipment. These funds will allow the Transportation Security Administration to make air travel more efficient and secure by funding high priority optimal baggage screening projects at approximately 20 airports. Funding is also available for the purchase of emerging checkpoint security technologies that can identify explosive threats. Currently, an insufficient number of air passengers are screened by these technologies. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

## COAST GUARD

### ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The Committee recommends \$572,500,000 for Acquisition, Construction, and Improvements for the following activities: \$255,000,000 for shortfalls in priority procurements due to materials and labor cost increases; \$195,000,000 for construction of high priority shore facilities; \$87,500,000 for the competitively awarded design of a new polar icebreaker or the renovation of an existing polar icebreaker, and major repair and maintenance of existing polar icebreakers; and \$35,000,000 for emergency maintenance of the Coast Guard's high endurance cutters. These funds will generate significant economic activity while addressing critical needs. The Coast Guard estimates that these funds would create approxi-

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mately 1,235 jobs. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds. The expenditure plan is to include all necessary expenses related to the oversight and management of each activity.

## ALTERATION OF BRIDGES

The Committee recommends \$240,400,000 for Alteration of Bridges deemed a hazard to marine navigation by the Coast Guard pursuant to the Truman-Hobbs Act. These funds will also allow \$139,500,000 made available in prior years to be expended as sufficient funding will now be available to begin several bridge alterations. The Coast Guard estimates that these funds will create approximately 1,630 jobs. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

## FEDERAL EMERGENCY MANAGEMENT AGENCY MANAGEMENT AND ADMINISTRATION

The Committee recognizes that our Nation's responders still cannot communicate important and timely information during a major disaster or event with existing infrastructure. The Committee recommends \$6,000,000 to purchase through a competitive award six rapidly deployable communications response vehicles which will provide needed communications, and the ability to patch together disparate communications systems during major a disaster or a national security event.

## STATE AND LOCAL PROGRAMS

The Committee recommends \$950,000,000 for grants to State and local governments, to provide for one-time investments to modify and upgrade infrastructure assets in the Nation that have been left vulnerable for too long. These funds will generate significant economic activity while at the same time addressing important homeland security needs. Collectively, these projects are estimated to create more than 7,200 jobs. The Committee directs that priority be given to construction projects that will address the Nation's most significant risks which can also be completed in a timely fashion.

Of the total amount recommended, \$100,000,000 is for Public Transportation Security Assistance, Railroad Security Assistance, and Systemwide Amtrak Security Upgrades; \$100,000,000 is for Port Security Grants; and \$250,000,000 is for upgrading, modifying, or constructing emergency operations centers or for upgrading, modifying, or constructing State and local fusion centers as defined by section 210A(j)(1) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)(1)) which shall be awarded to both types of facilities as equitably as warranted. Funds shall be available until Sep-

tember 30, 2009. The cost share for Port Security Grants and emergency operations centers is waived for these projects.

Additionally, of the total amount recommended, \$500,000,000 is for construction projects which will upgrade or modify critical infrastructure, as defined in section 1016(e) of the USA PATRIOT ACT of 2001 (42 U.S.C. 5195c(e)), to mitigate consequences related to potential damage from terrorist attacks or natural disasters. FEMA is directed to engage subject matter experts, including the National Protection and Programs Directorate, to identify large-scale projects that to date have lacked the needed resources to mitigate risks to assets which if destroyed or disrupted would cause national or regional catastrophic events. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of the act, a plan for the expenditure of these funds. The Committee directs the Secretary to include in the expenditure plan a description of the risk, effectiveness, and need for each project as well as the estimated time to complete each project. The plan may be submitted in a classified format if necessary but should be accompanied by a redacted version. Bill language is included providing 5 percent for program administration. Of the amount provided for program administration, FEMA is directed to ensure subject matter experts have the needed engineering and technical expertise for this critical work. Funds for these projects shall be available until September 30, 2011.

#### FIREFIGHTER ASSISTANCE GRANTS

The Committee recommends \$500,000,000 to provide for one-time investments to make grants on a competitive basis directly to fire departments, in consultation with the chief executive of the State, for the purpose of modifying, upgrading, or constructing State and local fire stations. Collectively, such projects are estimated to create 4,800 jobs. Funds shall remain available until September 30, 2010 and up to 5 percent shall be for program administration.

#### DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The Committee includes a provision to provide additional access to loans for communities whose local economies have been significantly impacted by a Presidentially declared disaster in 2008. Such communities will now be able to apply for loans for up to 50 percent of their pre-storm revenue instead of being capped at \$5,000,000.

#### EMERGENCY FOOD AND SHELTER

The Committee recommends \$100,000,000 to support the Emergency Food and Shelter program which funds grants to nonprofit and faith-based organizations at the local level to supplement their programs for emergency food and shelter to provide for the immediate needs of the homeless. The Committee recognizes that there are over 36.2 million Americans who need food assistance and over 675,000 homeless Americans and recent economic indicators are

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projecting increases in unemployment, homelessness, and poverty rates.

**FEDERAL LAW ENFORCEMENT TRAINING CENTER  
ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED  
EXPENSES**

The Committee recommends \$15,000,000 for Federal Law Enforcement Training Center [FLETC] Acquisition, Construction, Improvements, and Related Expenses at all FLETC sites. FLETC estimates that these funds would create up to 342 jobs. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

**SCIENCE AND TECHNOLOGY  
RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS**

The Committee recommends \$14,000,000 to expand cyber security research to better address critical infrastructure vulnerabilities. Bill language is included directing the Secretary of Homeland Security to submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 45 days after the date of enactment of the act, a plan for the expenditure of these funds.

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TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED  
AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The Committee has provided \$135,000,000 for management of lands and resources and recommends that the funds be allocated as follows: \$80,000,000 for deferred maintenance projects, of which \$35,000,000 is for deferred maintenance projects currently in the Bureau's 5-year maintenance plan, \$25,000,000 is for recreation maintenance, especially for rehabilitation of off-road vehicle routes, and \$20,000,000 is for trail maintenance and restoration; \$30,000,000 for remediation of environmental and public safety hazards at abandoned mines and wells on public lands; and \$25,000,000 for habitat restoration projects that accomplish ecological goals and provide employment opportunities in the local communities. As the Bureau prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

CONSTRUCTION

The Committee has provided \$180,000,000 for the construction account and recommends that the funds be allocated as follows: \$160,000,000 for construction, reconstruction, and repair of roads and bridges on public lands; and \$20,000,000 for the department-wide Net Zero initiative that will retrofit existing Bureau visitor centers for maximum energy efficiency. As the Bureau prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

WILDLAND FIRE MANAGEMENT

The Committee has provided \$15,000,000 for wildland fire management and recommends that all funding be used for additional hazardous fuels reduction work on Federal lands.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The Committee has provided \$190,000,000 for resource management and recommends that the funds be allocated as follows: \$125,000,000 for deferred maintenance projects currently prioritized in the refuge and hatchery maintenance databases; \$20,000,000 for the removal of small- to medium-sized fish passage barriers; \$20,000,000 for trail improvement projects; and \$25,000,000 for habitat restoration projects that accomplish ecologi-

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cal goals and provide employment opportunities in the local communities. As the Service prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

## CONSTRUCTION

The Committee has provided \$110,000,000 for the construction account and recommends that the funds be allocated as follows: \$60,000,000 for construction, reconstruction, and repair of roads and bridges; \$50,000,000 for projects to significantly improve energy efficiency at Service facilities, of which \$30,000,000 is for the Green Energy program for cost-effective, renewable energy projects and \$20,000,000 is for the department-wide Net Zero initiative that will retrofit existing Service visitor centers. As the Service prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

## NATIONAL PARK SERVICE

### OPERATION OF THE NATIONAL PARK SYSTEM

The Committee has provided \$158,000,000 for operation of the National Park Service and recommends that the funds be allocated as follows: \$135,000,000 for deferred maintenance of facilities, with emphasis on cyclic maintenance and other repair and rehabilitation projects currently in the Service's 5-year deferred maintenance plan; and \$23,000,000 for deferred maintenance of trails. As the Service prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

### HISTORIC PRESERVATION FUND

The Committee has provided \$55,000,000, which will be derived from the Historic Preservation Fund, and recommends that the funds be allocated as follows: \$50,000,000 for State Historic Preservation Offices, and \$5,000,000 for Tribal Historic Preservation Offices.

## CONSTRUCTION

The Committee has provided \$589,000,000 for construction and recommends that the funds be allocated as follows: \$180,000,000 for repair and restoration of Service-managed roads; \$310,000,000 for construction of facilities; \$9,000,000 for equipment replacement, including high priority needs of the U.S. Park Police; \$50,000,000 for cleanup of abandoned mine sites on Federal lands; and \$40,000,000 for the department-wide Net Zero initiative that will

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retrofit existing Service visitor centers for maximum energy efficiency. As the Service prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

*Additional Funding.*—The Committee is aware that approximately \$200,000,000 of visitor fees collected through the Recreational Fee program remains unobligated. The Service is therefore urged to work with its local units to ensure that these funds are expended as quickly as possible, and the Committee would strongly recommend that the unobligated funds be integrated with and directed toward the types of deferred maintenance and other infrastructure projects being funded in the act. Detailed information on the steps the Service is taking to ensure the timely use of unobligated recreational fees should be included in the spending plans the Service is required to submit to the Appropriations Committees.

## UNITED STATES GEOLOGICAL SURVEY

### SURVEYS, INVESTIGATIONS, AND RESEARCH

The Committee has provided \$135,000,000 for surveys, investigations and research and recommends that the funds be allocated as follows: \$30,000,000 for deferred maintenance and capital improvement projects for buildings and grounds; and \$20,000,000 for deferred maintenance and capital improvement projects for cableways, groundwater wells, and surface water stations, and \$85,000,000 for other instructure upgrades, including research equipment.

## BUREAU OF INDIAN AFFAIRS

### OPERATION OF INDIAN PROGRAMS

The Committee has provided \$40,000,000 for operation of Indian programs and recommends that the funds be allocated as follows: \$18,000,000 for the workforce construction training program, which will be focused in areas with the highest unemployment; \$2,000,000 for the workforce training and development program, which is a national program focused on training for certified plumbers and pipefitters; and \$20,000,000 for the housing improvement program. As it utilizes the funding for housing improvement, the Bureau is directed to work closely with the Department of Energy to ensure that funding from the Weatherization Program is incorporated to the maximum extent possible.

### CONSTRUCTION

The Committee has provided \$522,000,000 for construction and recommends that the funds be allocated as follows: \$115,000,000 for major facilities improvement and repair projects prioritized by the Bureau; \$132,000,000 for full-replacement school projects; \$35,000,000 for minor school facilities improvements and employee housing repair; \$25,000,000 for detention center improvements, repairs, and maintenance; \$40,000,000 for new construction, repair

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and deferred maintenance projects at various irrigation projects and systems; \$25,000,000 for dam improvements, repair and maintenance at those facilities identified by the Bureau as presenting high or significant hazards; and \$150,000,000 for road and bridge maintenance on Bureau-owned roads. As the Bureau prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

## INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The Committee has provided \$10,000,000 for the guaranteed loan program. This program provides opportunities to a historically underserved community by providing Federal guarantees for loans to Indian-owned businesses. Because the program leverages appropriated dollars at approximately 13:1, this investment will create and/or sustain jobs that will benefit reservations and Indian communities.

## DEPARTMENTAL OFFICES

### INSULAR AFFAIRS

#### ASSISTANCE TO TERRITORIES

The Committee has provided \$62,000,000 for necessary infrastructure upgrades associated with the large-scale redeployment of U.S. military forces to Guam. The Committee recommends that the funds be allocated as follows: \$20,000,000 for port modernization, \$30,000,000 for water and wastewater infrastructure, and \$12,000,000 for electrical transmission line and substation upgrades. As the Office prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects to approve some modifications to these allocations after full and timely consultation.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

The Committee has provided \$7,600,000 for additional oversight and audit responsibilities associated with the funding being made available to the Department of the Interior through this act. The Committee expects semiannual reports from the Inspector General, beginning 6 months after the date of enactment of this act.

#### DEPARTMENT-WIDE PROGRAMS

##### CENTRAL HAZARDOUS MATERIALS FUND

The Committee has provided \$20,000,000 for the central hazardous materials fund for remediation of known environmentally hazardous sites where there is a need for immediate action.

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## WORKING CAPITAL FUND

The Committee has provided \$20,000,000 to continue implementation of the department-wide financial and business management system.

## ENVIROMENTAL PROTECTION AGENCY

### HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

The Committee has provided \$800,000,000 for Superfund remedial activities to initiate new construction projects and expedite cleanup activities at existing Superfund sites. Language has been included allowing the Administrator to retain up to 2 percent of these funds for program oversight and support functions, and to transfer these funds to other accounts as necessary. The Administrator is directed to coordinate oversight activities with the Office of the Inspector General. As part of the spending plan required by section 701, the Administrator is directed to provide detailed information regarding proposed accomplishments, including a complete list of sites that receive funding, as well as program support and oversight funding requirements.

### LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

The Committee has provided \$200,000,000 for grants to fund leaking underground storage tank remediation activities. The Committee has included bill language waiving State and local cost-share requirements to expedite allocation of these funds. The Administrator is directed to detail oversight and program support functions needed to support these grants in the spending plans required by section 701.

### STATE AND TRIBAL ASSISTANCE GRANTS

(INCLUDING TRANSFERS OF FUNDS)

The Committee's recommendation includes \$6,400,000,000 for the State and Tribal Assistance Grants appropriation to fund urgently needed infrastructure improvement and job creation activities. To expedite these projects, the Committee has waived cost-share requirements for all programs funded under this appropriation.

*State Revolving Funds.*—Within these funds, the Committee has provided \$4,000,000,000 for the Clean Water State Revolving Funds and \$2,000,000,000 for the Drinking Water State Revolving Funds to address the nationwide backlog of clean and drinking water infrastructure needs. Language has been included requiring priority to be given to "shovel-ready" projects on which construction can begin within 180 days of enactment of this act, including projects not on State priority lists but that meet the other eligibility requirements of the Clean or Drinking Water State Revolving Funds. Funds not obligated for binding commitments to proceed to construction within 180 days of enactment of the act may be reallocated by the Administrator.

The Committee has included language that allows States to provide more comprehensive financial assistance through principal forgiveness or negative interest rate loans. States are strongly encouraged to maximize the use of these provisions to allow wide distribution of funds, particularly for projects located in disadvantaged communities. Language has been included requiring no less than 15 percent of the funds provided for each of the Revolving Funds be designated for green infrastructure, water efficiency or other environmentally innovative water quality improvement projects. These projects include, but are not limited to, decentralized wastewater treatment, decentralized stormwater controls and water conservation and reuse projects. The Committee has also included a longstanding tribal set-aside for the Clean Water State Revolving Fund. Finally, language has been included clarifying that funds are not eligible for certain activities that do not promote job creation.

*Brownfields/Diesel Emission Reduction Act Grants.*—The Committee has provided \$100,000,000 for grants to States and tribes to fund Brownfields remediation activities to return environmentally contaminated lands to productive use. An additional \$300,000,000 has been provided for Diesel Emission Reduction Act (DERA) grants to fund cost-effective emission reduction projects. Language has been provided allowing the Administrator to adjust allocations between the national competitive DERA grant and State DERA grant programs to expedite the allocation of these funds if necessary. Priority should be given to projects that spur job creation and achieve direct, measurable reductions in diesel emissions.

The Committee has included bill language allowing the Agency to retain up to one-quarter of 1 percent of the funds appropriated for the Clean Water and Drinking Water State Revolving Funds and up to 1.5 percent of the Diesel Emissions Grant funds to fund oversight and program support activities, and to transfer those funds to other accounts as necessary. The Administrator is directed to coordinate these activities with its partners and with the Office of the Inspector General.

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

#### CAPITAL IMPROVEMENT AND MAINTENANCE

The Committee has provided \$650,000,000 for Forest Service capital improvement and maintenance activities, including associated support costs. Of these funds, the Committee recommends \$280,000,000 for road maintenance and improvement; \$245,000,000 for facilities maintenance and improvement; \$100,000,000 for trail maintenance and improvement; and \$25,000,000 for abandoned mine site remediation on national forest lands. Funds should be allocated in a manner that will ensure rapid job creation and long-term public benefit. Priority should be given to roads and trails projects that address natural resource damage and water quality impairment, improve public safety, or improve access to highly utilized national forest lands. Priority should be given to facilities projects that improve public safety or visitor services or retrofit existing facilities with energy efficient or other "green" technologies.

Abandoned mine site remediation funds should be allocated to areas that pose the greatest environmental and public safety threats.

As the Service prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. Where appropriate, the Committee expects modifications to these allocations after full and timely consultation.

## WILDLAND FIRE MANAGEMENT

The Committee has provided \$650,000,000 for Wildland Fire Management programs for hazardous fuels reduction and hazard mitigation activities and recommends that the funds be allocated as follows: \$300,000,000 for projects on Federal lands; and \$350,000,000 for grants to fund projects located on State and private lands. Funds provided for hazardous fuels reduction on both Federal and State and private lands shall be used to reduce fuel loads in areas of the Nation at highest risk of catastrophic wildfire.

Language has been included to allow the Service to use all appropriate authorities to facilitate projects on State and private lands. Of the funds being made available for State and private projects, the Committee has recommended up to \$50,000,000 be used to fund biomass utilization grants to promote the use of woody biomass as a renewable energy source, reduce the cost of removing fuel from national forest lands and create jobs. The Service should work with State foresters and other stakeholders to determine an appropriate allocation for these grants as part of the detailed spending plans.

As provided in section 702, the Service is directed to utilize the Youth Conservation Corps, the Job Corps, the Public Lands Corps, or other partner organizations.

Within the amounts provided for Capital Improvement and Maintenance, and Wildland Fire Management not to exceed 1.5 percent may be used to conduct oversight and administration. The Service is directed to coordinate its activities with the Office of the Inspector General at the U.S. Department of Agriculture.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

The Committee has provided \$135,000,000 for health services and recommends that the funds be allocated as follows: \$50,000,000 for additional services under the Contract Health Service program; and \$85,000,000 for health information technology activities, including \$55,000,000 for health information technology applications, and \$30,000,000 for clinical applications, information technology infrastructure, and national program support. In an effort to maximize efficiencies and integrate systems most effectively, language has been included to provide the Director of the Indian Health Service with the authority to manage the health information technology program at the national level. Additionally, language is included which allows the Service to use health informa-

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tion technology funds appropriated within this account for the acquisition of associated infrastructure requirements that are typically funded within the "Indian Health Facilities" account. As the Service prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

#### INDIAN HEALTH FACILITIES

The Committee has provided \$410,000,000 for facilities and recommends that the funds be allocated as follows: \$155,000,000 for the maintenance and improvement program; \$100,000,000 for the sanitation facilities construction program; \$20,000,000 for the purchase of medical equipment; and \$135,000,000 for the construction of health care facilities. Language has been exempting the funds provided in this bill for the purchase of medical equipment from spending caps carried in the annual appropriation bill in order to provide maximum flexibility to the Service in meeting the highest priority needs of tribes. As the Service prepares the spending plans required by section 701 of this title, the Committee is mindful that flexibility will be needed in order to achieve the goals of maximum job creation and most effective use of resources. As such, the Committee expects modifications to these allocations after full and timely consultation.

#### SMITHSONIAN INSTITUTION

##### FACILITIES CAPITAL

The Committee has provided \$150,000,000 for facilities, and recommends that the funds be allocated as follows: \$75,000,000 for major revitalization and renovation; and \$75,000,000 for other Smithsonian-wide repairs with an emphasis on life and fire safety requirements.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 701. The Committee has included bill language requiring each agency receiving funds in this title to file several reports with the House and Senate Appropriations Committees. The report required by subsection (a) shall be transmitted within 30 days of enactment and shall provide activity and subactivity level allocations, including amounts allocated for administrative expenses, and a copy of all guidance issued by the agency. The second report, which is required by subsection (b) and is to be submitted within 90 days after enactment, shall contain more detailed information about each program or project to be funded under this act. This report shall include a brief project description, the amount allocated, target dates for the obligation and expenditure of allocated funds, and the expected completion date for each project. In addition, each agency receiving funds in this title shall submit reports to the House and Senate Appropriations Committees every 6 months following enactment until all the funds have been obligated and expended. These reports will compare actual project results, obliga-

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tions, and expenditures to the detailed plan required by subsection (b).

SEC. 702. The Committee has included bill language to provide employment opportunities to young adults that will accomplish the goals of this legislation and encourage young workers to consider careers in agencies devoted to natural resources and health management.

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## TITLE VIII—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

### DEPARTMENT OF LABOR

#### EMPLOYMENT AND TRAINING ADMINISTRATION

##### TRAINING AND EMPLOYMENT SERVICES

The Committee recommends \$3,250,000,000 in additional funds for Training and Employment Services. Within this amount, \$2,750,000,000 is for State Grants for Job Training. The Committee intends these funds to be spent quickly and effectively in meeting the employment and training needs of the Nation's workforce. The Committee is particularly interested in funds being used to target low-income and other hard-to-serve populations and highlights the existing authority that allows funds to be used to provide supportive services and needs-based payments to help such individuals engage in employment and training activities.

To facilitate the training of individuals, the Committee bill includes the authority for local workforce investment boards to contract for training slots with institutions of higher education, as long as that authority is not used to limit customer choice. The Committee expects this authority to enable local workforce boards to use a significant portion of funds for training services. The Committee intends for the Department to carefully monitor the use of this authority to ensure it is used effectively to meet the Nation's training needs.

The Committee recommendation includes \$1,200,000,000 for State Grants for Youth. The Committee is particularly interested in these funds being used to support summer employment programs for youth, so language is included in the Committee bill that allows funds to be used for this activity.

The Committee requests quarterly reports on expenditures and available balances, training and intensive service outcomes, and populations served with the funding available under the WIA Grants to States funding stream available in this act. The Committee is particularly interested in these reports demonstrating that funds are being used for services for low-income, hard-to-serve, and other priority populations and encourages the Department to provide appropriate guidance, oversight, and technical assistance that support this goal.

The Committee recommendation also includes an additional \$450,000,000 under the dislocated worker national reserve. The Committee intends \$200,000,000 of these funds to be used for National Emergency Grants authorized under section 173(a)(1) of the Workforce Investment Act. The remaining \$250,000,000 is for a program of competitive grants for workers in high growth and emerging industries. The Committee is particularly interested in the Department awarding grants that support immediate strategies for regions and communities to meet their need for skilled workers, as well as longer-term plans to build targeted industry clusters with better training and a more productive workforce. The Committee bill establishes a priority for grants in the energy efficiency

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and renewable energy and health care sectors. The Committee requests a briefing by appropriate Department staff before prior to the publication of a solicitation for grant announcement with respect to these funds.

The Committee recommendation also includes \$100,000,000 for the YouthBuild program. These funds will enable additional youth to learn green construction skills, while benefiting communities in need of additional units of affordable housing.

## COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The Committee recommendation includes an additional \$120,000,000 for the community service employment for older Americans program. These funds will immediately support additional employment and training opportunities for low-income, older Americans.

## STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The Committee recommendation includes an additional \$400,000,000 for the State Employment Service. From this amount, \$250,000,000 shall be used for re-employment services that connect unemployment insurance beneficiaries to employment and training opportunities.

## DEPARTMENTAL MANAGEMENT

### OFFICE OF JOB CORPS

The Committee recommendation includes an additional \$160,000,000 for the Office of Job Corps. These funds will help meet the immediate building repair and renovation needs of Job Corps Centers. In addition, up to 15 percent of such funds may be used for the operational needs of such centers, including training for careers in the energy efficiency and renewable energy industries.

### OFFICE OF INSPECTOR GENERAL

The Committee recommendation includes an additional \$3,000,000 for the Office of Inspector General to ensure appropriate oversight of funds available to and activities supported by the Department of Labor. The Committee expects to be notified immediately of any issues that are identified during such audits and oversight work.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### HEALTH RESOURCES AND SERVICES ADMINISTRATION

#### HEALTH RESOURCES AND SERVICES

The Committee has provided an additional \$1,000,000,000 for construction, renovation and equipment at the Nation's Community Health Centers.

The Committee has provided an additional \$88,000,000 for the replacement of the headquarters of the Health Resources Services Administration. The Committee is aware that the current lease ex-

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pires on July 31, 2010 and that significant work must be done to fit-out a new facility and move the staff.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The Committee has provided an additional \$412,000,000 for acquisition of property, construction, renovation and equipment for the buildings and facilities of the Centers for Disease Control and Prevention.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

The Committee recommends an additional \$300,000,000 for the National Center for Research Resources for shared instrumentation and capital research equipment.

OFFICE OF THE DIRECTOR

The Committee recommends an additional \$2,700,000,000 for the Office of the Director, half of which will be transferred to the Institutes and Centers. The Committee strongly urges that, to the extent possible, the funds should be used for purposes that can be completed within 2 years. In particular, the Committee recommends placing a priority on: short-term new grants that focus on specific scientific challenges; new research that expands the scope of ongoing projects; research on public health priorities such as influenza, tuberculosis and malaria; and stem cell research.

BUILDINGS AND FACILITIES

The Committee recommends an additional \$500,000,000 for constructing, improving and repairing National Institutes of Health buildings and facilities.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

The Committee has provided an additional \$1,100,000,000 for comparative effectiveness research. Within this amount \$300,000,000 shall be administered by the Agency for Healthcare Research and Quality [AHRQ], \$400,000,000 shall be transferred to the National Institutes of Health [NIH], and \$400,000,000 shall be allocated at the discretion of the Secretary of Health and Human Services [the Secretary].

The Committee intends that the funding provided in this bill supports research that evaluates and compares the clinical effectiveness, risk and benefits of two or more medical treatments and services that address a particular medical condition. The Committee further intends that this research meets the requirements of sections 1013(b) and (d) of the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

Since fiscal year 2005 the Committee has provided an annual appropriation to AHRQ to carry out section 1013 of the Medicare Prescription Drug Act, which supports the development of research on the relative effectiveness of different health care services and treatment options. The additional funding provided under this heading is intended to expand and accelerate this research, with the goal of developing an evidence base for consumers, clinicians, providers and policymakers regarding which healthcare interventions work best. The Committee believes that a significant increase in the Federal investment for comparative effectiveness research has the potential to improve health care quality and patient outcomes .

The Secretary, jointly with the Directors of AHRQ and the NIH, shall provide the Committees on Appropriations of the House of Representatives and the Senate a fiscal year 2009 operating plan for the funds appropriated under this heading prior to making any Federal obligations of such funds in fiscal year 2009, as well as a fiscal year 2010 operating plan for such funds prior to making any Federal obligations of such funds in fiscal year 2010. These operating plans should detail the type of research being conducted or supported, including the priority conditions addressed; and specify the allocation of resources within the Department of Health and Human Services, the Federal Government, and non-Federal entities, if applicable.

The Secretary, jointly with the Directors of AHRQ and the NIH, shall provide to the Committees on Appropriations of the House of Representatives and the Senate a report on the actual obligations, expenditures, and unobligated balances for each activity funded under this heading not later than November 1, 2009, and every 6 months thereafter as long as funding provided under this heading is available for obligation or expenditure.

#### ADMINISTRATION FOR CHILDREN AND FAMILIES

##### PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

The Committee has provided an additional \$2,000,000,000 for the Child Care and Development Block Grant. The funding will enable States to serve an additional 300,000 children in low-income families who have been hurt by the recession and are struggling to afford the high cost of child care.

##### SOCIAL SERVICES BLOCK GRANT

The Committee has provided an additional \$400,000,000 for the Social Services Block Grant [SSBG]. The additional funding will help States and local non-profits deliver critical services to unemployed and low-income individuals struggling with the effects of the recession. The Committee intends that funds be targeted to States with the greatest need based on unemployment levels and unemployment rates.

##### CHILDREN AND FAMILIES SERVICES PROGRAMS

The Committee has provided an additional \$2,100,000,000 for the Head Start program, of which \$1,100,000,000 is for expansion of Early Head Start as described in section 645A of the Head Start

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Act. The Committee is providing additional funds for early childhood education as a necessary investment that will prepare children to succeed in school and be productive workers of the future.

The Committee has also provided an additional \$200,000,000 for the Community Services Block Grant. These funds will allow local community action agencies to provide critical services for low-income communities and families, such as housing and mortgage counseling, jobs skills training, food pantry assistance, help for small businesses and case management services. Local agencies may also use these funds to provide outreach and benefits enrollment assistance to help low-income families and individuals apply for benefits and services for which they are eligible. These services help stabilize families, especially during periods of unemployment, and provide them with the tools they need to lift themselves from poverty and to establish economic self-sufficiency.

#### ADMINISTRATION ON AGING

##### AGING SERVICES PROGRAMS

The Committee has provided an additional \$100,000,000 for senior meals programs, of which \$67,000,000 is provided for congregate meals and \$33,000,000 is provided for home delivered meals. The Committee notes that due to the current economic crisis, many local senior programs are closing meals sites and eliminating meal delivery routes. The additional funding provided will help offset these cutbacks, which put our most vulnerable seniors at risk of hunger, poor health and isolation.

#### OFFICE OF THE SECRETARY

##### OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

The Committee has provided \$5,000,000,000 for health information technology [IT] activities. Information technology systems linked securely and with strong privacy protections can improve the quality and efficiency of health care while producing significant cost savings. Despite the potential benefits of health IT, investment and adoption has been limited, particularly among smaller providers. These funds can be used to support the activities of the National Coordinator for Health Information Technology including providing planning and implementation grants to facilitate and expand the electronic exchange of health information among organizations according to nationally recognized standards and to States and Indian tribes to establish low interest loan programs to facilitate the purchase of certified health IT by providers, enhance the utilization of health IT, train personnel in the use of IT, and improve the secure electronic exchange of health information.

#### OFFICE OF THE INSPECTOR GENERAL

The Committee recommendation includes \$4,000,000 for the Office of the Inspector General to ensure appropriate oversight of funds available to and activities supported by the Department of Health and Human Services. The Committee expects to be notified

immediately of any issues that are identified during such audits and oversight work.

## PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

### *Prevention and Wellness*

The United States spends \$2 trillion annually on health care, more than any other Nation in the world and more than twice what every other industrialized country spends. Yet the World Health Organization ranks U.S. health care 37th among the nations of the world for quality of care, and next to last among industrialized nations for the quality of care provided to children. The United States now ranks last in the world in preventable mortality.

Preventable diseases and death are tragic anywhere they occur, but they are inexcusable in a system that consumes so much of our Nation's wealth. The medical care costs of people with preventable chronic diseases account for more than 75 percent of the Nation's \$2 trillion medical care costs and 70 percent of all deaths in the country.

Both the excessive costs and the immeasurable suffering could be greatly reduced with a commitment to prevent chronic illness. However, the Nation's health care system has yet to shift its paradigm. The incentives built into the fabric of our system ensure that health care professionals spend more time treating illness than preventing it.

For this reason, efforts to reform the health care system must include an investment in evidence-based prevention activities.

The Committee has included \$5,800,000,000 for these activities, with every expectation that these programs and activities will be sustained through health care reform. The Committee expects to work with the Secretary to develop a plan for this investment that is in line with the Secretary's and the Congress' goals for health reform.

Allowable activities include grants, contracts and cooperative agreements that provide health screenings, education, immunization, smoking cessation, prenatal screening and counseling, research, planning, nutrition counseling, workforce training, and media campaigns. The Committee believes that CDC's State portfolio managers have been successful in making the most efficient use of multiple funding streams. The Committee encourages the Secretary to expand this model in the implementation of this act. The following activities are included in the initiative:

*Autoimmune Diseases.*—Autoimmune diseases are the third most common category of disease in the United States after cancer and heart disease, with estimates of the cost to the health care system ranging from \$100,000,000,000 to \$400,000,000,000 per year in direct medical costs alone. Recent research suggests that many autoimmune diseases may have environmental triggers. The Committee encourages the Secretary to explore this connection for potential prevention strategies.

*Healthy Communities.*—The Committee has included \$400,000,000 to be transferred to the Centers for Disease Control and Prevention for an additional amount for the Healthy Communities program, which funds the planning and implementation of

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wellness activities. Eligible grantees include local governments, school districts and non-profit organizations. Priority should be given to applications that exhibit a high degree of collaboration between non-profit organizations, school districts, local governments, and the business community. Each grant award should obligate the full 3-year cost and 1 percent of funds awarded should be used for evaluation. Grantees should be instructed that no continuation funding will be available.

The Committee is strongly supportive of changes to the built environment that promote healthy behaviors. The Committee has included significant funding in the transportation title of this act that can be used to create the kinds of communities that support healthy lifestyles. Pedestrian walkways, new or improved bicycle lanes, bicycle paths, shoulders for bicycle use, and parking facilities for bicycles are all eligible uses for the vast majority of the \$27,000,000,000 of transportation funding provided in the bill. The Committee encourages the Secretary of Health and Human Services to promote health impact assessments and to coordinate the goals of the Healthy Communities program with the transportation funding guidelines.

*HIV and STD Prevention.*—CDC estimates that approximately 19 million new STD infections occur annually in the United States, with 1 in 4 teenage girls currently infected. This epidemic is estimated to cost the U.S. healthcare system \$15,000,000,000 annually, all of which is preventable. The Committee has included \$400,000,000 for testing and prevention of these conditions. The Committee intends that funds be used for grants to States for testing activities, and the prevention of STD infections like chlamydia that have been increasing dramatically in recent years.

*Immunization.*—The Committee is aware that 430,000 children and 747,000 adolescents miss their scheduled routine vaccinations annually because they are underinsured. Up to 9 million adults do not have the 12 most recommended immunizations. The Committee has included \$750,000,000 to provide additional vaccinations, an activity that should save over \$3,000,000,000 in direct medical costs over a generation.

*Key Indicators of Health.*—The Committee is aware that the Institute of Medicine has recommended 20 key indicators of health to measure and track the overall health and well-being of Americans. The Committee encourages the Secretary to initiate a Commission that would provide input from experts and stakeholders in the development and oversight of a national set of key indicators.

*Media Campaigns.*—The Committee has included funds for public service announcements and media based education campaigns identifying risk factors, promoting healthy behaviors and increasing health literacy.

*Newborn Screening.*—Newborn screening has been demonstrated to save lives and prevent serious disability. The Committee is aware that a uniform panel exists that identifies the 29 conditions for which all newborns should be tested, however, more than half of States do not comply, in part due to a lack of adequate infrastructure. The Committee has included an additional \$15,000,000 for grants to State health departments to purchase needed equipment to expand newborn screening.

*Research.*—The Committee has included \$60,000,000 for the research, data collection, and evaluation that must be done on the prevention activities funded in this act. Activities may include expansion of the Prevention Research Centers, best practices development, development of models for the health impact assessment, peer-reviewed investigator-initiated prevention research grants, and the enhancement of current data collection efforts including the Behavioral Risk Factor Surveillance System and the National Health and Nutrition Examination Survey.

*Screening and Education.*—Early detection of disease improves quality of life and reduces costs to the health care system, making routine screening a critical component of any reform efforts. The Committee has included not less than \$1,000,000,000 to expand screening and education. In addition, funds may be used for follow-up counseling. The Committee is particularly interested in identifying pre-diabetes and providing nutrition counseling to prevent the onset of type II diabetes.

*Smoking Cessation.*—Cigarette smoking is the leading preventable cause of death in the United States, causing 1 in 5 deaths annually in the United States. Currently, nearly 23 percent of high school students smoke and every day approximately 1,300 people under the age of 18 become daily smokers. Annually, cigarette smoking costs \$96,000,000,000 in direct medical costs and an additional \$10,000,000,000 for the effects of secondhand smoke. The Committee has included not less than \$75,000,000 for smoking cessation activities.

*Vital Statistics.*—Key indicators of a Nation's health system include infant mortality rates, the number of low birth weight babies, and the leading causes of death. The Committee has included up to \$40,000,000 to convert vital statistics data collection from a paper system to an electronic system.

*Workforce.*—The Committee believes that shortages of health professionals across the spectrum are a significant obstacle to prevention activities. When human resources are scarce, they rightly go to serve the most acute patients first, abandoning prevention activities that would reduce demand over the long term. The Committee has included \$600,000,000 to address health professions workforce shortages. Funds may be used for scholarships and loan repayment, authorized in the National Health Service Corps field placement and recruitment, the title VII Health Professions, and the title VIII Nurse Training programs. Funds may also be used for grants to universities and colleges that train health professionals, which may be used to purchase equipment to expand training capacity. Of those funds, \$200,000,000 is available until expended for the purpose of extending service contracts.

The Committee is aware that increasing access to certain specialty care services will take many years and some regions may never be able to support a full time specialty care clinician. For that reason, the Committee recommends that up to \$5,000,000 of the funds provided above be used to foster cross-state licensing agreements that allow specialists to treat patients via telemedicine equipment. These funds may be used for one-time grants to State licensing boards or to support regional or national meetings that

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foster additional collaboratives similar to the Interstate Nurse Licensing Compact.

#### *Pandemic Influenza*

The Committee has also included \$870,000,000 for pandemic influenza activities, which represents the third installment to implement the Pandemic Influenza Preparedness Strategy. The Committee recognizes that influenza vaccine production facilities may soon come online that will bring the domestic influenza vaccine capacity within reach of the targets set by the preparedness strategy by early in the next decade. However, the Committee notes that even with this additional manufacturing capacity, supply of a pandemic vaccine manufactured after the detection of a potential pandemic would be extremely limited in the first weeks and months, and not reach everyone until 6 months after production begins. The Committee encourages the Department to invest in processes, adjuvants, contingency plans, and/or vaccine strategies that could address this potential shortcoming.

The Committee is also concerned that the influenza vaccine production capacity in the United States will soon outpace demand by large numbers. The Committee encourages the Department to identify ways to increase demand for the annual influenza vaccine and to develop contingency plans to ensure that the hard-earned increase in domestic production is not short-lived.

### DEPARTMENT OF EDUCATION

#### EDUCATION FOR THE DISADVANTAGED

The Committee recommends \$13,000,000,000 for education for the disadvantaged.

#### *Grants to Local Educational Agencies*

The Committee recommends \$11,000,000,000 for title I grants to local educational agencies [LEAs], which shall be available through September 30, 2010. From this amount, \$5,500,000,000 shall be allocated through the targeted formula and the same amount through the education finance incentive grant formula LEAs must spend at least 15 percent of their total allocations for early childhood education.

#### *School Improvement Grants*

The Committee recommends \$2,000,000,000 for the School Improvement Grants program, which enables States to provide assistance to schools not making adequate yearly progress for at least 2 years. The Committee strongly urges the Department to encourage States to use 40 percent of their allocations for middle and high schools.

### SCHOOL IMPROVEMENT PROGRAMS

The Committee recommends an additional \$17,070,000,000 for school improvement programs.

*Educational Technology State Grants*

The Committee recommends an additional \$1,000,000,000 for educational technology State grants. Under the authorizing statute, States must use 50 percent of their allocations for competitive grants and distribute 50 percent to local educational agencies [LEAs] through a formula based on each LEA's share of funds under title I, part A.

*Education for Homeless Children and Youth*

The Committee recommends an additional \$70,000,000 for carrying out education activities authorized by title VII, subtitle B of the Stewart B. McKinney Homeless Assistance Act. The Committee notes that the foreclosure crisis has caused a large increase in the number of homeless students; this funding will help districts provide transportation and other services to ensure that homeless students won't be uprooted from their school.

*School Modernization*

The Committee recommends \$16,000,000,000 for a new program to renovate, repair and build public schools, including early learning facilities.

The purpose of this program is to reduce the staggering backlog of infrastructure improvements that are needed in the Nation's schools, in ways that will promote greater energy efficiency and provide students with greater access to information technology.

The funding will be allocated to States on the basis of their share of the fiscal year 2008 title I allocations, after a 1 percent reservation of funds for outlying areas and Bureau of Indian Affairs schools, and a 2 percent reservation for local educational agencies [LEAs] that educate federally connected students or have federally owned land. Funding that is allocated to States will be allocated to LEAs partly by formula and partly by competition.

The 100 LEAs in the Nation with the most poor children will be allocated their funding by formula, on the basis of the LEA's share of its State's title I allocation. These districts must give a priority to funding "green" projects. The rest of the funding will be awarded to LEAs on a competitive basis by the States, using criteria including: percentage of poor children; need for renovation, repair, and construction; plans to use "green" practices; capability to implement projects expeditiously; and the LEA's fiscal capacity.

Permissible use of the funds include: renovating, repairing, and constructing public school buildings, including early learning facilities; repairing, replacing, or installing roofs, windows, heating, ventilation, or air conditioning systems; meeting fire and safety codes; reducing energy consumption; complying with the Americans with Disabilities Act; improving environmental conditions of school sites, including removing asbestos and reducing exposure to mold, mildew, and lead-based paint; upgrading or installing educational technology infrastructure; and broadening the use of school buildings to the community.

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## SPECIAL EDUCATION

The Committee recommendation includes an additional \$13,500,000,000 for Special Education. Of this amount, \$13,000,000,000 is available for services to children with disabilities, age 3-21. The Committee intends for these funds to be used to enhance services to and outcomes for such children with disabilities and strongly encourages the Department to engage in appropriate oversight and monitoring to accomplish this objective. Local educational agencies must spend not less than 15 percent of their funds on early childhood education. The remaining \$500,000,000 available within this account is for State Grants for Preschool.

## REHABILITATION SERVICES AND DISABILITY RESEARCH

The Committee recommendation includes \$610,000,000 for Rehabilitation Services and Disability Research. Of this amount, \$500,000,000 is available for additional support for State vocational rehabilitation services. The Committee intends for these funds to reduce or eliminate waiting lists and expand services to underserved or unserved disabled populations. The Committee encourages the Department to ensure that this investment leads to improved employment outcomes for the disabled.

The Committee recommendation also includes a total of \$110,000,000 in additional support for independent living services for the disabled. From this amount, \$75,000,000 is for the Centers for Independent Living program, \$25,000,000 for Services for Older Blind Individuals and \$10,000,000 for State Grants for Independent Living. Of the funds made available for Centers for Independent Living, the Department should ensure that these funds are used to expand services to persons with disabilities, particularly for those in areas that are currently underserved.

## STUDENT FINANCIAL ASSISTANCE

The Committee has included \$13,869,000,000 for Pell Grants. These funds are sufficient to increase the maximum Pell Grant by \$281 for award year 2009-2010, to increase the maximum Pell Grant by \$400 for the award year 2010-2011, and to reduce or eliminate the Pell Grant shortfall.

The Committee has also included \$61,000,000 for Federal Perkins loans capital contributions. The Federal Perkins loan program supports student loan revolving funds built up with capital contributions to participating institutions.

## HIGHER EDUCATION

The Committee has included \$100,000,000 for Teacher Quality Partnership Grants. The purpose of the Teacher Quality Partnership Grants program is to improve the quality of new teachers and to recruit highly qualified individuals, including minorities and individuals from other occupations, into the teaching force.

## HIGHER EDUCATION FACILITIES

The bill includes \$3,500,000,000 for facility modernization and instructional equipment for institutions of higher education. The

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funds would be distributed to States by formula in proportion to the State's share of full-time equivalent undergraduate students. States must give priority to the needs of institutions that serve high numbers of minority students and those that have been impacted by a major disaster and to projects that improve energy efficiency. The Committee recognizes the major contribution made by community colleges in retraining America's workers and has included bill language requiring States to direct a proportionate share of the funding to community colleges.

## DEPARTMENTAL MANAGEMENT

### OFFICE OF THE INSPECTOR GENERAL

The Committee recommendation includes \$4,000,000 for the Office of the Inspector General to ensure appropriate oversight of funds available to and activities supported by the Department of Education. The Committee expects to be notified immediately of any issues that are identified during such audits and oversight work.

## RELATED AGENCIES

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

#### OPERATING EXPENSES

The Committee has included \$160,000,000 for AmeriCorps programs, including \$13,000,000 for research related to volunteer service and \$6,000,000 for upgrades to information technology, including a full replacement of the AmeriCorps portal.

The Committee has included bill language setting aside \$65,000,000 for additional AmeriCorps VISTA members. The Committee is aware that small non-profits are responding to growing community needs while experiencing declining donations. VISTA members are well suited to assist these non-profits due to their unique mission to alleviate poverty and the ability of VISTA members to be placed in organizations too small to administer Federal grants. The Corporation shall waive any cost-sharing requirements as part of an effort to target these resources to the organizations most in need of assistance.

In addition, the Committee recommendation includes \$1,000,000 as a supplemental payment to State Commissions on Volunteer Service to account for the cost of additional applications, and \$10,000,000 to support additional members in the National Civilian Community Corps. The Committee encourages the Corps to give priority to community applications that alter the built environment in ways that promote healthy behaviors such as the creation of bike and walking trails.

#### NATIONAL SERVICE TRUST

The Committee has included \$40,000,000 to support the additional members and offset any losses incurred as a result of declining interest rates. Funds are available until expended and may be invested immediately upon enactment. The Committee has included language allowing the Corporation to transfer additional

funds to the Trust if the CEO determines that it is necessary to support the members and upon notification of the Committees on Appropriations of the House of Representatives and the Senate.

### SOCIAL SECURITY ADMINISTRATION

#### LIMITATION ON ADMINISTRATIVE EXPENSES

The Committee recommendation includes an additional \$890,000,000 for the Limitation on Administrative Expenses account of the Social Security Administration. From this amount, up to \$750,000,000 is available for the replacement of the National Computer Center and associated information technology costs. The Committee expects a briefing on site selection and design/construction, prior to the solicitation of bids for these activities.

The recommendation includes \$140,000,000 for information technology initiatives that can be undertaken immediately, including activities related to electronic medical records. The Committee requests that the Commissioner provide an operating plan describing the planned uses of these funds not later than 60 days after enactment of this act.

#### OFFICE OF INSPECTOR GENERAL

The Committee recommendation includes \$3,000,000 for the Office of Inspector General to ensure appropriate oversight of funds available to and activities supported by the Social Security Administration. The Committee expects to be notified immediately of any issues that are identified during such audits and oversight work.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 801. The Committee bill includes a provision authorizing the collection of data and issuance of reports on the impact of past and future minimum wage increases.

SEC. 802. The Committee bill includes a provision establishing a Federal Coordinating Council for Comparative Effectiveness Research.

SEC. 803. The Committee bill includes a provision authorizing grants for higher education facility modernization, renovation, and repair.

SEC. 804. The Committee bill includes a provision authorizing a new school modernization program.

SEC. 805. The Committee bill includes a provision authorizing the transfer of up to 1 percent of funds made available to the Department of Labor for necessary expenses related to enforcement of worker rights and protections related to and administration and coordination of activities funded under this act.

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## TITLE IX—LEGISLATIVE BRANCH GOVERNMENT ACCOUNTABILITY OFFICE

### SALARIES AND EXPENSES

The bill includes \$20,000,000 for the Government Accountability Office to hire temporary personnel and obtain contract services to support the agency's oversight role in the economic stimulus package.

SEC. 901. Charges the Government Accountability Office with bi-monthly reviews and reporting on selected State's and locality's use of the funds provided in the economic recovery effort. All GAO audits of stimulus funds are to be posted on the Internet immediately and linked to the website established by the Recovery Accountability and Transparency Board. GAO is authorized to examine any records related to recovery act obligations.

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## TITLE X—MILITARY CONSTRUCTION AND VETERANS AFFAIRS, AND RELATED AGENCIES

### DEPARTMENT OF DEFENSE

### MILITARY CONSTRUCTION

#### OVERVIEW

The Committee recommends an investment of \$3,012,922,000 in military construction and family housing to enhance the quality of life for America's military personnel and their families, to provide new and sustained employment in the construction industry, and to stimulate economic activity associated with construction-related materials, supplies, and equipment. The Army Corps of Engineers and the Naval Facilities Engineering Command, in conjunction with the Association of General Contractors of America, estimate that every \$1,000,000,000 in infrastructure investment will generate and sustain more than 28,500 jobs in construction, material supply, and support activities.

In an effort to achieve a speedy and broad-based economic impact, the Committee focused on funding projects that can be initiated in fiscal year 2009, that have the potential to touch a large number of communities throughout the country, and that could be absorbed into the current workload of the Army Corps of Engineers and Naval Facilities Engineering Command. In particular, the Committee sought out quality of life and family friendly projects, including child development centers, health and dental clinics, family housing, warrior transition complexes, barracks and dormitories, and National Guard community facilities.

The Committee recommendation also includes energy conservation and alternative energy projects. As the largest consumer of energy in the Federal Government, the Department of Defense has made energy efficiency a major component of new construction. As a result, newly constructed facilities such as dormitories can produce a 30–40 percent savings in energy. In addition to the increased energy efficiency of new construction, the Committee recommendation includes \$612,922,000 in direct funding for energy-related construction and upgrades at military installations throughout the country, including solar and wind power systems, photovoltaic roof panels, and advanced metering. As well as contributing to energy efficiency and innovation within the Department of Defense, these projects have the potential to stimulate construction and manufacturing jobs in the energy and alternative energy industry.

The projects identified by the services as ones on which work could commence in fiscal year 2009 include a wide range of needed infrastructure investments across 47 States and the District of Columbia. To achieve the desired economic stimulus, the Committee expects the Department to apply this funding exclusively to projects within the United States. To provide oversight of the funding, the Committee recommendation requires the services and the Department to submit expenditure plans to the Committees on Appropriations of both Houses of Congress before obligating funds.

*Homeowners Assistance Program.*—The Committee recommendation includes \$410,973,000 for the Homeowners Assistance Fund to expand the Homeowners Assistance Program [HAP] to wounded warriors and qualified military and civilian personnel who receive orders to relocate and cannot sell their homes or face steep losses due to the current mortgage crisis. The current HAP is intended to assist military and civilian homeowners whose home value declines below the market value as a direct result of an economic downturn associated with the closure or realignment of an installation under the Base Closure and Relocation program [BRAC].

The Committee is concerned about the impact of the current mortgage crisis on military personnel and their families who must involuntarily relocate for a variety of reasons, including a BRAC action, a permanent change of station, or a medical transfer to receive care for combat injuries. Because of the nationwide collapse of the real estate market, it is difficult for a service member to demonstrate that a decline in home value is solely the result of a BRAC action. In addition, service members who receive orders to move, wounded warriors, and surviving spouses may also be confronted with the need to sell their homes quickly, and face the prospect of selling at a loss or being forced into foreclosure. The Department of Defense estimates that the need for homeowners assistance could more than double as a result of the mortgage crisis, and recommends temporarily expanding the availability of HAP to include personnel affected by all BRAC moves and permanent change of station moves, and to extend the program to wounded warriors who are relocating for medical reasons or to surviving spouses.

#### MILITARY CONSTRUCTION, ARMY

The Committee recommends \$637,875,000 for Military Construction, Army, including \$84,100,000 for child development centers, \$481,000,000 for warrior transition complexes, and \$42,400,000 for health and dental clinics. In addition to providing an immediate economic stimulus in local communities within the United States, these construction projects will directly enhance the quality of life for military personnel and their families by improving access to health care, assisting in the transition of wounded warriors and their families, and broadening access to child care. Before expending or obligating any funds provided under this heading, the Secretary of the Army is required to submit an expenditure plan to Congress detailing the proposed use of the funds.

#### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

The Committee recommends \$990,092,000 for Military Construction, Navy and Marine Corps, including \$172,820,000 for child development centers, \$299,304,000 for barracks construction, repair, and improvement, and \$494,362,000 for energy conservation and alternative energy projects within the United States. The Navy has indicated that barracks construction is particularly needed for Marine Corps installations that will be impacted by the Grow the Force initiative, which will increase the Marine Corps end strength by 27,000 marines by 2011. A recent Government Accountability

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Office report noted that the majority of new units will be established at Marine Corps installations before permanent facilities to accommodate the additional personnel are complete. In addition to providing a construction stimulus, the barracks funding will help to address the impending shortfall in Marine Corps troop housing. Before expending or obligating any funds provided under this heading, the Secretary of the Navy is required to submit an expenditure plan to Congress detailing the proposed use of the funds.

#### MILITARY CONSTRUCTION, AIR FORCE

The Committee recommends \$871,332,000 for Military Construction, Air Force, including \$80,100,000 for child development centers, \$612,246,000 for dormitory construction, and \$138,100,000 for health clinic repair and replacement within the United States. Before expending or obligating any funds provided under this heading, the Secretary of the Air Force is required to submit an expenditure plan to Congress detailing the proposed use of the funds.

#### MILITARY CONSTRUCTION, DEFENSE-WIDE

The Committee recommends \$118,560,000 for Military Construction, Defense-Wide, for the Energy Conservation Investment Program [ECIP]. The Committee continues to strongly support the Department of Defense's efforts to improve energy conservation and promote alternative energy resources, and believes that there are a number of meritorious projects at Army, Navy, Marine Corps, and Air Force installations that could be executed immediately through ECIP. These projects will reduce energy costs, promote investment in the alternative energy industry, and provide construction and manufacturing jobs throughout the United States. Before expending or obligating any funds provided under this heading, the Secretary of Defense is required to submit an expenditure plan to Congress detailing the proposed use of the funds.

#### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

The Committee recommends \$150,000,000 for Military Construction, Army National Guard, for readiness centers. Army National Guard readiness centers are not concentrated on large military installations, but rather support a widely dispersed community-based force throughout the United States, and the Committee therefore recommends this level of funding as a quickly executable local construction stimulus that will enhance the readiness of the Army National Guard force. Before expending or obligating any funds provided under this heading, the Director of the Army National Guard is required to submit an expenditure plan to Congress detailing the proposed use of the funds.

#### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The Committee recommends \$110,000,000 for Military Construction, Air National Guard. The Air National Guard identified a wide range of projects that could be executed quickly and would improve energy conservation efforts and operational readiness at installations within the United States. Before expending or obligating any

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funds provided under this heading, the Director of the Air National Guard is required to submit an expenditure plan to Congress detailing the proposed use of the funds.

## FAMILY HOUSING CONSTRUCTION, ARMY

The Committee recommends \$34,570,000 for Family Housing Construction, Army, for construction and improvements to family housing within the United States to provide jobs in the construction industry, enhance quality of life for Army families, and provide increased energy efficiency through advanced construction techniques.

## FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The Committee recommends \$3,932,000 for Family Housing Operation and Maintenance, Army, for necessary maintenance and repairs of family housing within the United States, including energy saving upgrades.

## FAMILY HOUSING CONSTRUCTION, AIR FORCE

The Committee recommends \$80,100,000 for Family Housing Construction, Air Force, for the replacement and renovation of family housing within the United States to stimulate the construction industry, enhance quality of life, and provide increased energy efficiency.

## FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The Committee recommends \$16,461,000 for Family Housing Operation and Maintenance, Air Force, for necessary maintenance and repairs of family housing within the United States, including energy saving upgrades.

## HOMEOWNERS ASSISTANCE FUND

The Committee recommends \$410,973,000 for the Homeowners Assistance Fund to temporarily expand the Homeowners Assistance Program during the current mortgage crisis.

## ADMINISTRATIVE PROVISION

SEC. 1001. The Committee includes a provision temporarily extending the availability of certain benefits under the Homeowners Assistance Program during the national mortgage crisis.

## DEPARTMENT OF VETERANS AFFAIRS

### OVERVIEW

The Committee recommends a total of \$3,944,100,000 for the Department of Veterans Affairs [VA]. The additional funding is specifically targeted at infrastructure recapitalization projects, energy efficiency projects, and Information Technology projects that will continue to modernize the VA and enhance service delivery, while also providing a needed boost in economic activity. During the course of developing the included recommendations, the Committee

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requested and was provided technical service documentation from the VA regarding unfunded construction requirements which could be executed in fiscal years 2009 and 2010. This documentation showed unfunded, executable construction and infrastructure repair projects in all 50 States. Included in the Committee recommendation is \$328,931,000 for the Department to initiate a number of energy conservation projects. Investments in wind turbine systems, rooftop solar photovoltaic power systems, and water conservation measures will contribute to energy efficiency within the VA. The Committee has continued its practice of not earmarking specific VA construction projects and has provided the additional funding in a lump sum. The VA estimates that every \$1,000,000,000 provided through its construction and infrastructure accounts will support between 25,000 and 30,000 jobs.

## VETERANS HEALTH ADMINISTRATION

### MEDICAL SUPPORT AND COMPLIANCE

The Committee recommendation includes \$5,000,000 for Medical Support and Compliance to support contract administration associated with the additional infrastructure repairs, minor construction, and execution of energy initiatives at existing Veterans Health Administration [VHA] facilities. The increased funding should be sufficient to fund at least two new employees for each Veterans Integrated Service Network.

### MEDICAL FACILITIES

The Committee recommendation includes \$1,370,459,000 for the Veterans Health Administration to address facility deficiency projects and repairs at existing facilities. There is currently more than a \$5,000,000,000 backlog to correct code violations and make infrastructure repairs at facilities spread throughout the United States in every Veterans Integrated Service Network. The Committee has made a concerted effort over the past several years to address this need by increasing funding above what has been requested by the Department. However, as the average age of existing VHA facilities is 55 years, more code violations are discovered on a frequent basis. The additional funds which are executable in fiscal years 2009 and 2010 are to be used to address the backlog, perform other infrastructure repairs and non-recurring maintenance, and initiate energy conservation projects at existing facilities. Infrastructure repair and renovations funded through Medical Facilities are typically contracted to local contractors providing an economic benefit to the surrounding community.

## NATIONAL CEMETERY ADMINISTRATION

The Committee recommendation includes \$64,961,000 for the National Cemetery Administration for capital infrastructure repairs, memorial and monument repairs, and energy conservation projects.

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## DEPARTMENTAL ADMINISTRATION

### GENERAL OPERATING EXPENSES

The Committee recommendation includes \$1,125,000 for General Operating Expenses for additional staff to support project execution and contract administration associated with major construction projects.

### INFORMATION TECHNOLOGY SYSTEMS

The Committee recommendation includes \$195,000,000 for Information Technology systems. Of the funding provided, \$145,000,000 is to be used for the Veterans Benefits Administration to develop paperless claims processing, and \$50,000,000 is to complete development of systems required to implement the new GI bill education benefit.

### OFFICE OF INSPECTOR GENERAL

The Committee recommendation includes \$4,400,000 for the Office of Inspector General to provide independent oversight audits of the programs, projects, and grants funded under this title.

### CONSTRUCTION, MAJOR PROJECTS

The Committee recommendation includes \$1,105,333,000 for major project construction for the Veterans Health Administration and National Cemetery Administration. Recent inadequate budget submissions from the Department have caused a serious lag in the construction of new hospitals and clinics. The VA estimates that every \$1,000,000 in construction funding generates in excess of 25,000 jobs, as well as sustained facility employment. The recommendation includes \$993,833,000 to expedite those hospitals already under construction as well as jump-start those projects that are currently ready for execution but lack adequate funding. Included in this recommendation for VHA is \$89,863,000 for physical security projects at medical facilities. The recommendation also includes \$111,500,000 for the National Cemetery Administration to undertake major construction associated with gravesite expansion and cemetery construction.

### CONSTRUCTION, MINOR PROJECTS

The Committee recommendation includes \$939,836,000 for minor construction. In technical service documentation provided to the Committee, the VA shows a number of unfunded minor construction projects that can be executed in fiscal years 2009 and 2010. These projects are spread throughout the country in every Veterans Integrated Service Network. The VA defines minor construction as projects which cost less than \$10,000,000.

### GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

The Committee recommendation includes \$257,986,000 for Grants for Construction of State Extended Care Facilities. The VA provides grants to assist States in acquiring or constructing State veterans home facilities for furnishing domiciliary or nursing home care to veterans. The program also funds the expansion, remod-

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eling, or altering of existing State veterans homes. For decades this program has been a successful partnership between the States and the VA in meeting the long-term care needs of veterans. The VA's pending application list for fiscal year 2009 shows a need of almost \$434,000,000 in priority group one. In order to be listed in priority group one, the project must have State matching funds, remedy a life/safety deficiency, renovate an existing home, or address the need for new beds in a State. This additional funding, combined with funding provided in the fiscal year 2009 appropriations act, will ensure that the VA will be able to fund the remaining projects that fall within priority group one.

#### ADMINISTRATIVE PROVISION

SEC. 1002. The Committee includes a provision which authorizes certain benefits for persons who served in the United States Armed Forces in the Far East during World War II.

#### RELATED AGENCY

#### DEPARTMENT OF DEFENSE—CIVIL

#### CEMETERIAL EXPENSES, ARMY

#### SALARIES AND EXPENSES

The Committee recommendation includes \$60,300,000 for Arlington National Cemetery, for the completion of site development associated with the cemetery's expansion, columbarium construction, and relocation of utilities. These site development efforts will provide additional grave and columbarium space and expand the operational area so that funeral services can be conducted simultaneously.

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## TITLE XI—STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

### DEPARTMENT OF STATE

#### ADMINISTRATION OF FOREIGN AFFAIRS

#### DIPLOMATIC AND CONSULAR PROGRAMS

The Committee recommends \$180,500,000 for “Diplomatic and Consular Programs” for immediate facilities requirements located in the United States. These investments will create approximately 1,436 jobs in the United States and improve the efficiency of the Department of State’s domestic operations. Of the funds, up to \$45,000,000 for the Border Security program shall be for construction of a visa security facility and additional passport agencies throughout the United States to accept and adjudicate passport applications, especially to meet the increased demand for passports or equivalent documents. These funds will improve the capacity and efficiency of passport operations and improve services to American citizens. Increased passport demand is attributed in part to the Western Hemisphere Travel Initiative, which becomes effective June 1, 2009 and requires proof of citizenship to travel within the Western Hemisphere. The Committee recommends that the Secretary of State locate new passport agencies in gateway airports and border communities based on demand for same-day passports and to further cross-border commerce.

The Committee recommendation includes up to \$75,000,000 for the Worldwide Security Protection program for construction of a consolidated security training facility in the United States. Funds will improve the overall security of United States diplomatic functions by increasing the capacity and quality of training. In addition, \$60,500,000 is provided to consolidate overseas operations back in the United States to improve the efficiency of human resources and diplomatic support functions.

The Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this act a detailed spending plan for funds provided under this heading. With respect to passport facilities, the plan is to be developed in consultation with the Department of Homeland Security and the General Services Administration to coordinate construction with other Federal facilities, to the extent feasible. Funds provided under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

#### CAPITAL INVESTMENT FUND

The Committee recommends \$524,000,000 for “Capital Investment Fund” for immediate information technology upgrades, which will create approximately 388 jobs in the United States. This investment will address deferred maintenance and upgrades to improve the efficiency of Department of State operations. Of the funds, up to \$120,000,000 is provided for design and construction of a backup information management facility in the United States to protect the Department of State from mission technology failures. Reviews after the terrorist attacks of September 11, 2001

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identified the lack of a redundant or back-up communications facility as a security vulnerability. In addition, \$98,527,000 is provided to support the Comprehensive National Cybersecurity Initiative to prevent and address cybersecurity threats. Finally, the bill provides \$305,473,000 for immediate upgrades to the Department's information technology platforms.

The Committee directs that the Secretary of State and the Administrator of the United States Agency for International Development shall coordinate information technology systems, where appropriate, to increase efficiencies and eliminate redundancies, to include co-location of backup information management facilities. The Committee further encourages cooperation between the Department of State and the United States Agency for International Development on cybersecurity activities.

The Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this act a detailed spending plan for funds provided under this heading. Funds provided under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

The Committee recommends \$2,000,000 for the Department of State Office of Inspector General to conduct oversight of programs funded in this act.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$224,000,000 for "Construction" to be used for immediate repair and rehabilitation requirements in the water quantity program, which will upgrade 506 miles of flood control levees and create approximately 305 jobs in the United States. The International Boundary and Water Commission identified unfunded needs in the fiscal year 2009 budget request in immediate infrastructure upgrades necessary to rehabilitate the following projects: Rio Grande Flood Control System, Safety of Dams, Colorado Boundary, and Capacity Preservation. These investments are necessary as a result of deferred maintenance and a series of natural disasters that significantly degraded levees on the United States border with Mexico and interior floodwater levees in the United States. These investments will address an identified weakness in management of boundary waters and protect border communities from natural disaster. Within the funds provided, \$2,000,000 may be transferred to the "Salaries and Expenses" account for management and oversight of the construction program.

The Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this act a detailed spending plan for funds provided under this heading. Funds provided

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under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

**UNITED STATES AGENCY FOR INTERNATIONAL  
DEVELOPMENT**

**FUNDS APPROPRIATED TO THE PRESIDENT**

**CAPITAL INVESTMENT FUND**

The Committee recommends \$100,000,000 for immediate information technology modernization and upgrades to address deferred maintenance. These investments will create approximately 300 jobs in the United States. Of the funds, up to \$34,000,000 shall be for information technology modernization programs, and \$35,000,000 shall be available for the Global Acquisition System to improve accountability of agency resources. These funds are necessary to improve the efficiency of procurement, payroll, and administration of foreign assistance of the United States Agency for International Development.

The Secretary of State shall submit to the Committees on Appropriations within 90 days of enactment of this act a detailed spending plan for funds provided under this heading. Funds provided under this heading shall be subject to the regular notification procedures of the Committees on Appropriations.

**OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL**

The Committee recommends \$500,000 for the United States Agency for International Development Office of Inspector General to conduct oversight of programs funded in this act.

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**TITLE XII—TRANSPORTATION AND HOUSING AND URBAN  
DEVELOPMENT, AND RELATED AGENCIES**

**DEPARTMENT OF TRANSPORTATION**

The Committee recommends \$45,467,750,000 for the Department of Transportation for investments in our Nation's transportation infrastructure. The transportation investments funded in this bill will create jobs across the country, and play an important role in the economic recovery of local communities and the Nation. In addition, the investments we make today in our Nation's transportation infrastructure will sustain economic activity long after our current troubles are behind us.

**OFFICE OF THE SECRETARY**

**SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE  
TRANSPORTATION SYSTEM**

The Committee recommends \$5,500,000,000 for grants to State and local governments to make investments in the Nation's surface transportation infrastructure. The Secretary of Transportation must award these grants solely on a competitive basis, and select projects that will make a significant impact on the Nation, a metropolitan area, or a region. In order to ensure that these grants will produce jobs quickly, the bill directs the Secretary to give priority to projects that can be completed within 3 years. The Secretary must also give priority to projects that require this additional share of Federal funds in order to fill gaps in an overall financing plan, helping State and local governments invest in meaningful transportation projects whose completion would otherwise be out of reach due to their cost.

The bill requires that, in making project selections, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities.

The bill allows the funds provided for these competitive grants to be used on a wide variety of transportation investments. Eligible projects include investments in highways and bridges, including but not limited to interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments. Eligible projects also include public transportation investments, including contributions to projects participating in the New Starts or Small Starts programs if the funds will expedite the completion of the project and its entry into revenue service. Finally, eligible projects include investments in passenger and freight rail transportation and port infrastructure, including projects that connect different modes of transportation and improve the efficiency of freight movement.

Because this program will fund projects in number of different modes of transportation, the Committee expects the Secretary to take advantage of the expertise to be found at the modal administrations, and to accept assistance in evaluating grant applications from the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Mari-

time Administration. The bill allows the Secretary to use \$5,000,000 of the appropriated funds for administrative and oversight activities, and to transfer portions of this funding to the appropriate modal administrations as needed.

In administering this grant program, the Secretary will provide two separate opportunities to receive funding by awarding two sets of grants. The first set of grants will be funded from the \$5,500,000,000 appropriated directly to this program. Applications for this funding will be due within 180 days of the date of the bill's enactment, and the Secretary must announce the final project selections within 1 year. The second set of grants will be funded from amounts transferred to this program through the "use-or-lose" provisions applying to the highway and transit formula funding included in this bill. Those transfers are discussed in more detail later in this report. Applications for grants paid out of the transferred amounts are due within 1 year of the bill's enactment, and the Secretary must announce the final project selections within 6 months of that date.

The Committee expects the Secretary to maintain a grant application process that is transparent, fair, and accessible to all interested parties. Within 75 days of the bill's enactment, the Secretary must publish a set of criteria on which project selections will be based. The Committee expects the Secretary to publicize these criteria to all possible grant applicants. The Committee also expects the Secretary to adhere rigorously and consistently to the published criteria, and fairly measure all applications against those criteria. Finally, while the Committee understands that State and local governments may want to revisit their applications and resubmit them before the 1-year deadline, the Secretary must conduct a fresh competition for the second set of grants rather than view them as an opportunity to provide consolation to disappointed applicants from the first competition.

The Committee directs the Secretary to submit quarterly reports to the House and Senate Committees on Appropriations on the implementation of the bill. For each of the programs funded under the bill for the Department of Transportation, these reports shall include a summary of activities already conducted, a summary of planned activities, the amount of funding obligated, and the amount of funding expended.

## FEDERAL AVIATION ADMINISTRATION

### SUPPLEMENTAL FUNDING FOR FACILITIES AND EQUIPMENT

The Committee recommends \$200,000,000 for investments in the facilities and equipment of the Federal Aviation Administration [FAA]. The FAA provides air traffic control services 24 hours a day, protecting the safety of the traveling public and maintaining an efficient air transportation system. This system depends on the ability of the FAA's air traffic control workforce to do their jobs at the highest levels of performance every day. However, the facilities and equipment that the air traffic controllers use to perform their jobs are not in sustainable condition. Significant repairs and replacements are required.

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The Committee's recommendation includes \$50,000,000 to make necessary improvements to the FAA power systems, including the replacement of batteries, engine generators, and cables in order to maintain reliable sources of back-up power; improvements to power systems at air traffic control facilities; and lightning protection. The FAA has identified these investments in its power systems as a critical near-term necessity.

The recommendation also includes \$50,000,000 for the modernization of air route traffic control centers, the facilities where the FAA conducts air traffic control over airspace in the en route environment. These facilities are over 50 years old and in poor condition. The funding provided in the bill will address the significant backlog of necessary repairs.

The recommendation also includes \$80,000,000 to replace air traffic control towers and terminal radar approach control facilities that have aged beyond their expected lifespan. Many of these projects have completed engineering and design work, and the Committee expects the FAA to enter contracts and begin construction on these projects within 6 months.

Finally, the recommendation includes \$20,000,000 for the installation of airport lighting, and navigation and landing equipment. There is currently a backlog for the installation of instrument landing systems. This funding will address those needs, add capacity, and improve safety at airports across the country.

The decision as to which FAA facilities will benefit from the funding made available for all of the facilities and equipment described above shall be left entirely to the Secretary.

#### SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT INVESTMENT

The Committee recommends \$1,100,000,000 for investments in airport infrastructure. The bill clarifies that such investments may include the procurement, installation and commissioning of runway incursion prevention devices and systems, as well as on the purchase of firefighting and safety equipment to meet the requirements of airport certification under part 139 of title 14 of the Code of Federal Regulations. The bill directs the Secretary of Transportation to distribute this funding as discretionary grants and to give priority to projects that demonstrate an ability to be completed within 2 years. The Federal share of these airport grants shall be 100 percent.

The bill requires that projects funded with these airport grants be included in an airport layout plan. However, the Committee also believes that these grants should serve to increase the amount of investment currently planned for airport infrastructure. As such, the bill directs the Secretary to give priority to those projects that demonstrate their ability to supplement rather than supplant spending planned from airport-generated revenues or from other State and local sources on such activities.

Finally, the bill includes a provision that allows the Administrator of the Federal Aviation Administration to use up to one-quarter of 1 percent of the funds provided for awarding and overseeing these supplemental airport grants.

## FEDERAL HIGHWAY ADMINISTRATION

### SUPPLEMENTAL GRANTS FOR HIGHWAY INVESTMENT

The Committee recommends \$27,060,000,000 for highway investments. The vast majority of these funds will be apportioned by formula to State departments of transportation and local governments. The bill apportions the funds according to the formula authorized under current highway law for the Surface Transportation Program, an authorized part of the overall Federal-aid Highway program. In addition, it is likely that additional billions of dollars will be available for highway investments through the "Supplemental Discretionary Grants for a National Transportation System" that will be allocated competitively through the Office of the Secretary.

The apportioned funds may be used for capital projects eligible for funding under the Surface Transportation Program. Such projects include, but are not limited to, highway rehabilitation and restoration, bridge repair, infrastructure investments that improve highway safety, highway resurfacing, and seismic retrofit projects for bridges. The bill also authorizes grant recipients to use this funding to invest in projects that address stormwater runoff, passenger and freight rail transportation, and port infrastructure. Finally, the bill requires that States spend at least 5 percent of their apportioned funding on activities eligible under the Congestion Mitigation and Air Quality [CMAQ] Improvement program, another authorized part of the overall Federal-aid Highway program. Such activities include, but are not limited to, diesel retrofits, congestion mitigation, parking facilities, and traffic flow improvements.

In order to balance the need to make immediate use of the highway funding with the need to make meaningful investments in our Nation's transportation, the bill distributes the apportioned funds in two parts. All of the funds will be apportioned as soon as possible after the date of enactment of the bill, but half of the funds will be required to be obligated within 180 days while the other half will be required to be obligated within 1 year.

The first half of the apportioned funds are intended for immediate investments in highway infrastructure that provide a quick infusion of money into local economies to spur job creation. This funding will be available for use within 180 days, and it will be apportioned exclusively to States. In order to enforce the immediate use of these funds, the Committee has included a "use-or-lose" provision in the bill. After 180 days, the bill requires the Secretary to withdraw from each State any unobligated balances from this half of the apportioned funds. The bill requires the Secretary to redistribute these balances among the States that were able to obligate all of the funding provided to them for immediate investment.

The second half of the apportioned funds, plus any funds redistributed after the first 180 days, are intended to be obligated within 1 year on more meaningful investments in highway infrastructure. The Committee believes these investments will support local economies and job creation over a longer period of time. Although these funds are meant for such longer-term benefits, the Committee still intends grant recipients to make prompt use of the

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funding provided to them. For this reason, the bill includes a second "use-or-lose" provision. After 1 year, the bill requires the Secretary to withdraw all unobligated balances from each recipient of apportioned funds. The bill requires the Secretary to transfer these balances to the account for "Supplemental Discretionary Grants for a National Transportation System," a separate program funded in the bill. This program provides discretionary grants for transportation investments and is described in detail earlier in this report.

Unlike the first half of the apportioned funding, which will be provided exclusively to the States, fully 80 percent of the second half of the apportioned will be allocated to local jurisdictions in all 50 States. As such, 40 percent of the total amount of highway funding to be distributed by formula will be provided to local jurisdictions.

The Committee recognizes that there may be extenuating circumstances that prevent a grant recipient from obligating all of the funding provided to it. In particular, the Committee is concerned that a large investment of transportation funding provided all at one time with a single national deadline for obligation may drive up contractor prices and create an unworkable bidding environment. For extreme situations in which a grant recipient faces such an unworkable bidding environment or other extenuating circumstances, the bill gives the Secretary the authority to extend the 1-year period for funding obligation at the request of a grant recipient. Before granting an extension, however, the Secretary must send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension.

Within the total amount of funding provided for highway investments, the Committee recommends \$60,000,000 for ferry transportation systems. This funding is discussed in greater detail under the heading for the Maritime Administration.

The Committee also recommends that of the total funding provided for highway investments, \$500,000,000 shall be provided for transportation investments at Indian reservations and Federal lands. The bill includes language that priority for this funding shall be given to capital investments, and to projects that can be completed within 2 years.

The Committee directs that \$320,000,000 of the funds for Indian reservations and Federal lands shall be provided for the Indian Reservation Roads program [IRR]. The IRR program provides grants to tribes for transportation investments and distributes the grants by formula. The bill allows up to 4 percent of the IRR funds to be used for the administration and oversight of the program. The Committee recommendation for Indian reservations and Federal lands also includes \$100,000,000 for the Park Roads and Parkways program, which funds improvements to transportation infrastructure under the jurisdiction of the National Park Service; \$70,000,000 for the Forest Highway program, which funds improvements to highways that provide access to and within the National Forest System; and \$10,000,000 for the Refuge Roads program, which funds improvements to roads that provide access to and within the National Wildlife Refuge System.

To ensure the prompt utilization of all funds provided for investments at Indian reservations and Federal lands, the bill includes

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language that requires the Secretary of Transportation to redistribute any funds that remain unobligated after 1 year. Any funds subject to such redistribution, however, must remain within the program component for which they were originally appropriated.

For all projects funded with the \$27,060,000,000 provided for highway investments, the bill provides that the Federal share may be up to 100 percent. The exact amount of the Federal share shall be solely at the discretion of the grant recipient. The bill also stipulates that provisions under current highway authorizing law relating to labor protection, environmental planning, and disadvantaged business enterprises shall apply to the highway funding apportioned under the bill.

Finally, the bill allows the Administrator of the Federal Highway Administration to use up to \$12,000,000 of the funds provided for highway investment to cover the cost of awarding and overseeing grants.

## FEDERAL RAILROAD ADMINISTRATION

### SUPPLEMENTAL GRANTS TO STATES FOR INTERCITY PASSENGER RAIL SERVICE

The Committee recommends \$250,000,000 for discretionary grants to States to provide capital assistance for improving intercity passenger rail service as well as maintaining existing passenger rail corridors. The Federal share of any grant for intercity passenger rail service shall be 100 percent.

The bill requires the Secretary of Transportation to give priority to projects that demonstrate an ability to be completed within 2 years, and to projects that will improve the safety and reliability of intercity passenger trains. The bill also requires that, in order to qualify for grant, a project must be on a Statewide Transportation Improvement Plan at the time of its application.

Finally, the bill includes a provision that allows the Administrator of the Federal Railroad Administration to use up to one-quarter of 1 percent of the funds provided for awarding and overseeing the grants.

### SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

The Committee recommends \$850,000,000 for capital grants to be provided directly to the National Railroads Passenger Corporation [AMTRAK] for projects that will maintain or improve the national system of intercity passenger rail, including the rehabilitation of rolling stock. The bill prohibits AMTRAK from spending more than 50 percent of the grant money on capital projects along the Northeast Corridor.

The bill includes language directing the AMTRAK Board of Directors to give priority to those projects that will expand the capacity of passenger rail, and to ensure that the projects are completed within 2 years. The bill also includes language that directs the Board ensure that the grants supplement rather than supplant the railroad's plans to invest in capital projects using Federal, State, local, and corporate sources of funding. The bill requires the Board to certify to the House and Senate Committees on Appropriations

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its compliance with the requirement that grants supplement and not supplant the AMTRAK's capital program.

**HIGH-SPEED RAIL CORRIDOR PROGRAM**

The Committee recommends \$2,000,000,000 for discretionary grants for capital projects in designated high-speed rail corridors, as authorized under section 26106 of title 49, United States Code. The Secretary may award these grants to a State, group of States, an interstate compact, a public agency that has been established by one or more States and has responsibility for providing high-speed rail service, or Amtrak. The funding provided for this program shall be available until September 30, 2011, and the Federal share of any high-speed rail grant shall be 100 percent.

As required under authorization law, the Secretary shall select high speed rail projects that are anticipated to result in significant improvements to intercity rail passenger service, and to give greater consideration to projects that encourage intermodal connectivity, provide environmental benefits, and produce positive economic and employment impacts.

The bill includes a provision that allows the Administrator of the Federal Railroad Administration to use up to one-quarter of 1 percent of the funds provided for awarding and overseeing the grants.

**FEDERAL TRANSIT ADMINISTRATION**

**SUPPLEMENTAL GRANTS FOR PUBLIC TRANSIT INVESTMENT**

The Committee recommends \$8,400,000,000 for grants to make capital investments in public transportation systems. The vast majority of these funds will be apportioned by formula to local areas. The apportioned funds may be used for capital projects that include, but are not limited to, purchasing or rehabilitating a bus, overhauling rail rolling stock, conducting preventative maintenance, acquiring real property, conducting demolition work, and constructing or improving stations and terminals. In addition, it is likely that additional billions of dollars will be available for transit investments through the "Supplemental Discretionary Grants for a National Transportation System" that will be competitively allocated through the Office of the Secretary.

In order to balance the need to make immediate use of the public transit funding with the need to make meaningful investments in public transportation systems, the bill provides the apportioned funds in two parts. All of the funds will be apportioned as soon as possible after the enactment of the bill, but half of the funds are intended for use within 180 days and the other half are intended for use within 1 year.

The first half of the apportioned funds that the Committee provides for use within 180 days are intended for immediate investments in public transportation that provide a quick infusion of money into local economies and spur job creation. In order to enforce the immediate use of these funds, the Committee has included a "use-or-lose" provision in the bill. After 180 days, the bill requires the Secretary to withdraw from each grant recipient any unobligated balances from this half of the apportioned funds. The bill requires the Secretary to redistribute these balances among the

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recipients that were able to obligate all of the funding provided to them for immediate investment.

The second half of the apportioned funds, plus any funds redistributed after the first 180 days, are intended for more meaningful investments in public transportation. The Committee believes these investments will support local economies and job creation over a longer period of time. Although these funds are meant for such longer-term benefits, the Committee still intends grant recipients to make prompt use of the funding provided to them. For this reason, the bill includes a second "use-or-lose" provision. After 1 year following the date of enactment, the bill requires the Secretary to withdraw all unobligated balances from each recipient of apportioned funds. The bill requires the Secretary to transfer these balances to the account for "Supplemental Discretionary Grants for a National Transportation System," a separate program funded in the bill. This program provides discretionary grants for transportation investments and is described in detail earlier in this report.

The Committee recognizes that there may be extenuating circumstances that prevent a grant recipient from obligating all of the funding provided to it. In particular, the Committee is concerned that a large investment of transportation funding with a single national deadline for obligation may drive up contractor prices and create an unworkable bidding environment. For extreme situations in which a grant recipient faces an unworkable bidding environment or other extenuating circumstances, the bill gives the Secretary the authority to extend the 1-year period for funding obligation at the request of a grant recipient. Before granting an extension, however, the Secretary must send a letter to the House and Senate Committees on Appropriations that provides a thorough justification for the extension.

To apportion funding, the bill uses formulas authorized under current transit law. Most of this funding is provided directly to local areas, while some of it is provided to the States for allocation among the local areas. The Committee encourages States to allocate these grants so that every grant recipient receives enough resources to be able to make meaningful use of the funds provided in the bill. The bill also continues to make transit formula grants available for public transportation investments at Indian reservations.

Of the funding provided for public transit investments, the Committee includes \$200,000,000 for grants to public transit agencies for making capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems. The investments made with these grants will help reduce the impact of public transportation systems on the environment, and they will help public transit agencies to realize cost savings by reducing their energy consumption.

Grants provided for such energy efficiency grants may be used for projects that include, but are not limited to, improvements lighting, heating, cooling, or ventilation systems at public transportation stations and facilities; adjustments to signal timing or other vehicle controlling systems, including computer controlled systems; the purchase or retrofit of rolling stock; and improvements to energy distribution systems. The bill requires that priority shall be

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given to projects based on the total energy savings that are projected to result from the investment, and the projected energy savings as a percentage of the total energy usage of the public transit agency.

For all projects funded with the \$8,400,000,000 provided for public transit investments, the Federal share may be up to 100 percent. The exact amount of the Federal share shall be solely at the discretion of the grant recipient. The bill also stipulates that provisions under current transit authorizing law relating to labor protection, planning, and disadvantaged business enterprises shall apply to the transit funding apportioned under the bill.

The bill allows the Administrator of the Federal Transit Administration to use up to \$5,000,000 of the funds provided for investments in public transportation to cover the cost of awarding and overseeing grants.

#### MARITIME ADMINISTRATION

##### SUPPLEMENTAL GRANTS FOR ASSISTANCE TO SMALL SHIPYARDS

The Committee recommends \$100,000,000 for grants to maritime communities through the assistance to the Small Shipyards program. The funding can be used to make capital improvements to small shipyards in order to increase the productivity of the Nation's shipbuilding industry. In addition, these funds can be used for training in maritime communities. These investments will help to improve the competitiveness of the domestic shipbuilding industry, and create jobs in the maritime sector.

The Committee recommendation includes \$60,000,000 for the construction of ferry boats and ferry terminal facilities, to be administered by the Federal Highway Administration. The bill directs the Secretary of Transportation to distribute this funding to States on a competitive basis. The bill also directs the Secretary to give priority to those projects that have proven their ability to be completed within 2 years, ensuring that the funding will produce the quickest benefit for communities that rely on ferries for their basic transportation needs. The priority on projects that can be brought to completion promptly will also produce the quickest creation of job opportunities. The bill specifies that the Federal share of these grants shall be 100 percent.

#### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

The Committee recommends an additional \$7,750,000 for the Inspector General of the Department of Transportation to conduct audits and investigations of the projects and activities carried out pursuant to the bill. The Committee directs the Inspector General to provide biannual reports summarizing this work to the House and Senate Committees on Appropriations. These reports should include a list of all audit work and significant investigations currently being conducted, an overview of the Inspector General's findings based on completed audit and investigation work, and a record of all recommendations the Inspector General has issued.

## GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 1201. The Committee includes a provision that expands the contingent commitment authority of the Federal Transit Authority [FTA]. This provision will allow the FTA to enter into full funding grant agreements with a larger number of transit properties more rapidly and so expedite the construction of those projects and the creation of jobs.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### NATIVE AMERICAN HOUSING BLOCK GRANTS

This account funds the Native American Housing Block Grants Program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 [NAHASDA]. This program provides an allocation of funds on a formula basis to Indian tribes and their tribally designated housing entities to help them address the housing needs within their communities. Under this block grant, individual Indian tribes use performance measures and benchmarks that are consistent with the national goals of the program, but can base these measures on the needs and priorities established in their own housing plan.

The Committee recommends an appropriation of \$510,000,000 for the Native American Housing Block Grant. The bill requires that recipients obligate funds within 1 year of the date of enactment, and imposes expenditure deadlines at 2 and 3 years after the authorized funds become available for obligation. The Secretary must recapture funds from participating jurisdictions that do not meet the 1-year obligation and 2-year expenditure deadlines, and reallocate such funds to participating jurisdictions that can expend the money rapidly.

The bill requires that the Secretary distribute \$255,000,000 through the existing formula and distribute \$255,000,000 through a competition. In allocating the discretionary portion of the authorized funds, the Secretary must give priority consideration to projects that will spur construction and rehabilitation and will create employment opportunities for low-income and unemployed person. Recipients are required to prioritize projects that can award contracts based on bids within 180 days from the date that funds are available to recipients. The Secretary has discretion to enable participation in the formula and competitive allocations under this paragraph by any housing entity eligible for funding under title VIII of NAHASDA, Housing Assistance for Native Hawaiians (25 U.S.C. 4221 et seq.).

To facilitate the timely obligation and expenditure of authorized funds, the bill allows the Secretary to waive all statutory and regulatory requirements other than those dictated by the bill and requirements related to fair housing, non-discrimination, labor standards, and the environment.

One percent of funds are made available for staffing, training, technical assistance, monitoring, technology, evaluation, and administrative expenses, and such funds are to be transferred to the appropriate Administration, Operations, and Management and Personnel Compensation and Benefits accounts and subaccounts.

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## PUBLIC HOUSING CAPITAL FUND

This account provides funding for modernization and capital needs of public housing authorities (except Indian housing authorities), including management improvements, resident relocation and homeownership activities.

The Committee recommends an appropriation of \$5,000,000,000 for capital and management activities for public housing agencies. The bill requires that the Secretary distribute \$3,000,000,000 through the existing public housing capital fund formula and the remaining \$2,000,000,000 through a competition. The Committee notes that public housing agencies are required to have a 5-year capital plan, and expects them to prioritize projects already underway and in these plans. In allocating the discretionary portion of the authorized funds, the Secretary must give priority consideration to the rehabilitation of vacant rental units and institute measures to ensure that authorized funds will supplement and not supplant expenditures from other Federal, State, or local sources. No public housing agencies, including Moving to Work agencies, may transfer authorized funds to operating or rental assistance activities.

The bill requires public housing agencies to obligate funds within 1 year of the date of enactment. The bill also imposes expenditure deadlines at 2 and 3 years after the authorized funds become available for obligation. The Secretary must recapture funds from public housing agencies that do not meet the 1-year obligation and 2-year expenditure deadlines, and reallocate such funds to public housing agencies that can spend the money rapidly. To facilitate the timely obligation and expenditure of funds, the bill allows the Secretary to waive all statutory and regulatory requirements other than those dictated in the bill and requirements related to conditions on use of funds for development and modernization, fair housing, non-discrimination, labor standards, and the environment.

One percent of funds are made available for staffing, training, technical assistance, monitoring, technology, evaluation and administrative expenses, and such funds are to be transferred to the appropriate Administration, Operations, and Management and Personnel Compensation and Benefits accounts and subaccounts.

Public housing is an essential part of our Nation's physical infrastructure. Located in 3,500 communities nationwide and home to nearly 1,200,000 households, public housing is a critical ingredient of any strategy to deliver on the goal of providing "decent, safe, sanitary, and affordable living environments for all Americans set forth in the Housing Act of 1949. (42 U.S.C. § 12721). Nearly two-thirds of all public housing households include an elderly person or an individual with a disability. More than 400,000 low-income families with children—the majority of them working families—also occupy public housing units.

But this critical asset cannot be sustained without prompt and substantial investment in aging buildings. Most units are more than 30 years old, and many will need rehabilitation to continue to provide decent quality homes. Additionally, aging public housing projects are in desperate need of "greening" through activities that improve energy efficiency, reduce energy costs, or preserve and im-

prove units with good access to public transportation or employment centers.

The Committee believes this one-time investment will increase the availability of affordable rental housing by expediting rehabilitation projects to bring vacant units back on line. The capital investment gap for redevelopment or replacement housing projects, many of which are mixed finance transactions involving the Low Income Housing Tax Credit, that have been approved or are otherwise ready to proceed but are stalled due to the inability to obtain anticipated private capital. It will also address the needs of public housing's most vulnerable residents—seniors and persons with disabilities—through improvements to housing and related facilities which attract or promote the coordinated delivery of supportive services.

Finally, targeting authorized funds to the capital needs backlog is particularly timely given the large loss of jobs in housing-related sectors of the economy during the current recession.

#### NEIGHBORHOOD STABILIZATION PROGRAM

The Committee has included \$2,250,000,000 for the Neighborhood Stabilization Program [NSP], authorized under the Housing and Economic Recovery Act of 2008 [HERA] and established by the Department of Housing and Urban Development [HUD]. The Secretary shall allocate funding for this program exclusively through a competition among States, units of general local government, and non-profit entities or consortia of nonprofit entities, which may submit proposals in partnership with for-profit entities.

There were over 2.3 million properties in foreclosure in 2008, an increase of over 80 percent from 2007. The impact of foreclosures has not been limited to individual homeowners; it has devastated entire neighborhoods. As a result, communities across the Nation are developing and implementing measures to stabilize neighborhoods hit hardest by the foreclosure crisis and economic downturn. The funding provided for the Neighborhood Stabilization Program is intended to help redevelop abandoned and foreclosed homes in order to revitalize these struggling communities and create additional affordable housing. The resources provided are available for: the establishment of financing mechanisms for purchase and redevelopment of foreclosed homes and residential properties; the purchase and rehabilitation of homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent or redevelop such homes and properties; the establishment of land banks for homes that have been foreclosed upon; the demolition of blighted structures; and the redevelopment of demolished or vacant properties for housing. In addition, the Committee expects that this funding will create new housing construction jobs as communities undertake development and rehabilitation efforts.

The Committee has provided the Secretary with the authority to use up to 10 percent of the funding provided under this heading for capacity building and support for local communities receiving funding either through this competition or the NSP funds previously awarded by HUD. The Committee believes that targeting such assistance to local communities undertaking these projects or

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activities will provide the Secretary with additional tools to ensure that funding is being used most effectively.

The Committee has included language that allows funding under the NSP program to be used for construction of early childhood development centers. Early education is critical to every child's development and its impact on children can be seen for years to come. Unfortunately, a lack of adequate capital resources hinders the ability to create early childhood development centers, especially in lower income neighborhoods. As the Secretary evaluates proposals for this competition, the Secretary is encouraged to consider the impact of investments in early childhood development centers on the neighborhoods themselves, as well as the job and educational opportunities these capital investments would create for residents in these communities.

In order to ensure the timely expenditure of funds, the Committee has included language requiring the Secretary to publish criteria for the competition within 75 days of enactment of this act with applications due within 180 days of such date, and to make awards not later than a year after enactment. The Committee has set these deadlines in order to accommodate the deadlines placed on the availability of the funds and on grantees for the expenditure of funding. In establishing criteria for such competition, the Secretary is directed to use such factors as need and foreclosure rates, as well as the capacity of the grantee, leveraging potential, and the impact of this funding on stemming foreclosures and stabilizing neighborhoods. The Secretary shall also evaluate the effective use of any NSP funding previously awarded to a grantee.

In order to ensure that communities will quickly feel the impact of this funding, the Committee has included language requiring 75 percent of the funding be expended within 2 years and 100 percent of the funding be expended within 3 years. As such, the Committee has also directed the Secretary to evaluate the demonstrated capacity of grantees to execute projects and expend funding within the allowable time.

The Committee has included language that allows the Secretary to use up to 1.5 percent of the funds provided for staffing, training, technical assistance, technology, monitoring, research and evaluation activities. The Secretary is directed to transfer and merge funds set aside for these functions to the appropriate salaries, expenses, or working capital fund accounts.

## HOME INVESTMENT PARTNERSHIPS PROGRAM

Title II of the National Affordable Housing Act, as amended, authorizes the HOME Investment Partnerships Program. This program provides assistance to States and units of local government for the purpose of expanding the supply and affordability of housing to low- and very low-income people. To participate in the HOME program, State and local governments must develop a comprehensive housing affordability strategy.

The Committee recommends an appropriation of \$2,250,000,000 for the HOME Investment Partnerships program. The bill requires that recipients obligate funds within 1 year of the date of enactment, and imposes expenditure deadlines at 2 and 3 years after the authorized funds become available for obligation. The Secretary

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must recapture funds from participating jurisdictions that do not meet the 1 year obligation and 2-year expenditure deadlines, and reallocate such funds to participating jurisdictions that can expend the money rapidly.

The bill also gives the Secretary discretion to use up to 20 percent of authorized funding to create incentives for projects that increase energy efficiency or employ green technology. To facilitate the timely obligation and expenditure of authorized funds, the bill allows the Secretary to waive all statutory and regulatory requirements other than those dictated by the bill and requirements related to fair housing, non-discrimination, labor standards, and the environment.

One percent of funds are made available for staffing, training, technical assistance, monitoring, technology, evaluation and administrative expenses, and such funds are to be transferred to the appropriate Administration, Operations, and Management and Personnel Compensation and Benefits accounts and subaccounts.

The flexibility and successful track record of the HOME program make it an ideal vehicle to assist communities in their efforts to address the current, multi-faceted housing crisis. A wide range of activities qualifies for HOME funding, including both homeownership and rental housing activities. These activities fall into the following categories: rehabilitation of owner-occupied housing; assistance to home buyers; rehabilitation or new construction of rental housing; and tenant-based rental assistance. From inception through November 2008, HOME funds helped over 1 million low income families. Specifically, nearly 882,000 physical units of affordable homeownership and rental housing have been constructed, rehabilitated, or acquired using HOME funding, and an additional 201,000 families have been assisted through tenant-based rental assistance.

Projects that use HOME funding must meet certain income targeting and affordability requirements. All HOME funds must go to projects that benefit households with incomes at or below 80 percent of area median income, and 90 percent of the funds that are used for rental units or tenant-based rental assistance must benefit households with incomes at or below 60 percent of area median income.

The authorized HOME funds can be expected to leverage investment from other sectors. From inception through November 2008, each HOME dollar invested attracted \$3.70 in non-HOME funds. A more detailed Government Accountability Office [GAO] analysis of HOME units completed in fiscal year 2006 found that each dollar of HOME generated \$1.92 of private spending, \$1.33 of other Federal spending including Low Income Housing Tax Credit equity, and \$.76 of State and local spending.

## HOMELESSNESS PREVENTION FUND

The Committee has included \$1,500,000,000 for homeless prevention activities. Homeless prevention funding will provide communities across the country with an important tool to help stem the growth in poverty that accompanies economic downturns. The Committee intends that this funding will be used to assist tenants who reside in units that are in default or foreclosure and face eviction,

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or other vulnerable individuals who have recently become homeless, or might become homeless as a result of the recession.

The funding provided for homeless prevention activities shall go out to grantees eligible under the Emergency Shelter Grants [ESG] program through the ESG formula. However, the Secretary has been given the authority to establish a minimum grant amount in order to reach a greater number of communities, or otherwise ensure the most effective use of funding. Eligible uses of funding include: short-term or medium-term rental assistance; housing relocation and stabilization services, including housing search, mediation or outreach to property owners, credit repair, security or utility deposits, utility payments, rental assistance for a final month at a location, moving cost assistance, or other appropriate prevention activities. As this funding reaches those most in need, it will also go quickly into local economies in the form of rent or utility payments.

The bill includes language requiring grantees to capture data on the services provided and the individuals and families served through this program in the Homeless Management Information System [HMIS] or other comparable database. The Committee directs the Secretary to submit a report to the House and Senate Committees on Appropriations 1 year after the enactment of this act that details how the funding provided under this paragraph has been used to alleviate the effects of the Nation's current economic recession and prevent homelessness.

Grantees receiving homeless prevention funding are required to spend 75 percent of the funding in 2 years and 100 percent of the funding in 3 years. If a grantee is unable to expend the required amount of funding in 2 years, the Secretary is given the authority to recapture those funds and reallocate them to grantees based on need and the ability of grantees to obligate and expend additional funding within the permissible time period.

The Committee has also included language that allows the Secretary to use up to 1.5 percent of the funds provided for staffing, training, technical assistance, technology, monitoring, research and evaluation activities. The Secretary is directed to transfer and merge funds set aside for these functions to the appropriate salaries, expenses, or working capital fund accounts.

#### ASSISTED HOUSING STABILITY AND ENERGY AND GREEN RETROFIT INVESTMENTS

The Committee has included \$3,500,000,000 for payments, grants or loans to owners of properties receiving section 8 project-based rental assistance, or assistance through the section 202 Housing for the Elderly program and section 811 Housing for the Disabled programs. The funding is provided in order to stabilize project-based section 8 housing, and to improve the energy efficiency of the Department of Housing and Urban Development's [HUD] assisted housing portfolio through energy and green retrofit investments. All funding provided is available until September 30, 2010, and the Secretary is directed to take the steps necessary to ensure that grantees expend funding within 2 years of receiving it.

The Committee has included \$1,368,000,000 to facilitate energy efficiency or green investments in HUD's assisted housing. The

funding provided will be used by the Secretary to make grants or loans to project owners receiving HUD housing assistance in order to improve the energy efficiency of housing for the Nation's most vulnerable low-income tenants, including the elderly and the disabled. The Committee expects that nearly 90,000 units of assisted housing can benefit from this program. As a result of these investments, the low-income residents living in these units will realize important savings from reduced energy costs.

The language included in the bill directs HUD's Office of Affordable Housing Preservation [OAHP] to make grants or loans to project owners receiving HUD assistance. In exchange for receiving this assistance, project owners must agree to the terms and conditions established by the Secretary, including that these properties will remain available for an additional period of affordability of at least 15 years. Extending the period of affordability will ensure that owners receiving this benefit will have an additional obligation to the Federal Government and the low-income residents they serve. Other terms and conditions established by the Secretary shall ensure the preservation and maintenance of these properties as affordable housing, as well as the continued maintenance and operation of any energy efficiency technologies installed. The bill language also requires that any owner selected for this program must have at least a satisfactory management review rating, be in substantial compliance with performance standards and legal requirements, and undergo a physical inspection and financial assessment.

In executing the energy and retrofit provisions under this heading, OAHP shall use existing loan programs and other transactional infrastructure currently authorized to be used by the Secretary, as well as any applicable existing policies, procedures, and contracts to carry out this program. The Committee expects that the Office will use such funding mechanisms as the HUD Flexible Subsidy program, and the refinancing tools provided under section 223(a)(7). In order to facilitate the provisions of this paragraph, the Committee has included language allowing the Secretary to waive or modify statutory or regulatory requirements with respect to existing grant, loan or insurance mechanisms, but this ability to waive or modify statutes or regulations is limited only to the funding provided under this heading to make grants and loans for energy or green investments.

OAHP is required to undertake appropriate oversight and underwriting of such loans and grants, using existing procedures as appropriate. The Secretary is permitted to set aside up to 5 percent of the funds provided for grants and loans for these underwriting and oversight purposes. The Committee has also included language that allows the Secretary to use up to 1.5 percent of the funds provided for staffing, training, technical assistance, technology, monitoring, research and evaluation activities. The Secretary is directed to transfer and merge funds used for these functions to the appropriate salaries, expenses, or working capital fund accounts.

The Committee has also included \$2,132,000,000 within the funding provided for the Secretary to make payments to owners of properties receiving section 8 project-based assistance for periods of 12 months. Housing funded through the section 8 project-based ac-

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count serves approximately 1 million of our Nation's low-income residents. This funding will allow HUD to make consistent payments to project owners, bringing much needed stability to the program, and ensuring the maintenance and preservation of this housing for low-income tenants. As the financial and housing crises hit communities across our Nation, affordable housing investments are being threatened. Therefore, the Committee believes that it is critical to send a message to both the housing and financial sectors that the Federal Government is a credible and reliable partner in affordable housing projects. Providing full and stable payments to owners will also assure those interested in undertaking energy or green retrofits, for which funding is also provided under this heading, that they can rely on the Government as a partner when agreeing to future commitments of affordability.

#### OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

Title X of the Housing and Community Development Act of 1992 established the Residential Lead-Based Paint Hazard Reduction Act under which HUD is authorized to make grants to States, localities and Native American tribes to conduct lead-based paint hazard reduction and abatement activities in private low-income housing. The Committee has included \$100,000,000 for the Lead Hazard Reduction Program.

The bill requires that recipients obligate funds within 1 year of the date of enactment, and imposes expenditure deadlines at 2 and 3 years after the authorized funds become available for obligation. The Secretary must recapture funds from recipients that do not meet the 1 year obligation and 2-year expenditure deadlines, and reallocate such funds to recipients who can expend the funds rapidly.

To facilitate the timely obligation and expenditure of authorized funds, the bill also allows the Secretary to waive all statutory and regulatory requirements other than those imposed by this heading and requirements related to fair housing, non-discrimination, labor standards, and the environment.

One percent of funds are made available for staffing, training, technical assistance, monitoring, technology, evaluation and administrative expenses, and such funds are to be transferred to the appropriate Administration, Operations, and Management and Personnel Compensation and Benefits accounts and subaccounts.

Lead-based paint remains a significant health hazard, especially for children. According to the Centers for Disease Control and Prevention [CDC], some 434,000 children have elevated blood levels. While this is down from 1,700,000 in the late 1980s, lead poisoning remains a serious childhood environmental condition, with some 2.2 percent of all children aged 1 to 5 years having elevated blood lead levels. This percentage is much higher for low-income children living in older housing.

While lead poisoning crosses all socioeconomic, geographic, and racial boundaries, the burden of this disease falls disproportionately on low-income and minority families. In the United States, children from poor families are eight times more likely to be poisoned than those from higher income families. This appropriation will move the Nation toward the achievable goal of fully ad-

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addressing the risks associated with lead-based paint hazards over the next decade.

## OFFICE OF INSPECTOR GENERAL

The bill provides \$2,750,000 for salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended. The bill also ensures that the Inspector General shall have independent authority over all personnel issues within this office.

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## TITLE XIII—HEALTH INFORMATION TECHNOLOGY

The Committee has included language authorizing the Health Information Technology for Economic and Clinical Health Act [HITECH]. Information technology systems linked securely and with effective privacy protections can improve the quality and efficiency of health care while producing significant cost savings. Despite the potential benefits of health information technology [IT], investment and adoption has been limited, particularly among smaller providers. HITECH would give health care providers the assistance they need to invest in lifesaving health IT, and would do so responsibly, by ensuring compliance with standards for interoperability.

The legislation encourages the development of standards for health IT through codifying the role of the National Coordinator for Health Information Technology in coordinating initiatives on health IT, establishing the Health Information Technology Policy Committee as a body providing recommendations to the National Coordinator regarding policies to promote the effective and expanded use of health IT, and establishing a Health Information Technology Standards Committee to recommend standards for health IT for adoption by the Secretary, consistent with the recommendations of the Health Information Technology Policy Committee.

The legislation encourages the adoption of health IT that meets standards for interoperability by providing enhanced support for short-term, high-value investments in current initiatives to pilot test the best ways to use health IT, establishing a health information technology extension program to provide assistance to health care providers to effectively use health information technology, providing planning and implementation grants to States to facilitate and expand the electronic exchange of health information according to nationally recognized standards, and providing grants to States and Indian tribes to establish low interest loan programs to facilitate the purchase of certified health IT by providers, enhance the utilization of health IT, train personnel in the use of IT, and improve the secure electronic exchange of health information.

The legislation assures effective privacy protections for electronic health information while allowing the legitimate and secure exchange of that information to improve health care quality by applying the privacy protections under HIPAA to business associates of covered entities, requiring notification of patients if the privacy of their medical information has been breached, requiring an accounting of disclosures of health information made through health IT systems, prohibiting the sale of patients' private health information without their consent, and prohibiting the use of private medical information for marketing without the consent of patients.

TITLE XIV—STATE FISCAL STABILIZATION FUND

DEPARTMENT OF EDUCATION

STATE FISCAL STABILIZATION FUND

The Committee recommends \$79,000,000,000 for a new State Fiscal Stabilization Fund to help States prevent tax increases and cut-backs in education and other high-priority services over the next 2 years.

The funding will be allocated to States by formula after a one-half of 1 percent reservation for the outlying areas and a \$25,000,000 reservation for the Secretary of Education for administration and oversight. Of the remaining funds, \$15,000,000,000 is reserved for State Incentive Grants, described below. Of the remaining \$63,580,000,000, States must use at least 61 percent, or \$38,783,800,000, for elementary, secondary, and higher education and, as applicable, early childhood education. This funding will be allocated to local educational agencies [LEAs] and to institutions of higher education. States may use up to \$24,796,200,000 for a range of public safety and other Government services, which may include education.

State Incentive Grants will be awarded by the Secretary to States that make significant progress in meeting specific objectives that are critical to raising student academic achievement. Of the \$15,000,000,000 reserved for these grants, the Secretary may award up to \$650,000,000 to LEAs or partnerships between non-profit organizations and one or more LEAs or schools that have made significant gains in closing achievement gaps. Each State that receives a State Incentive Grant must allocate at least 50 percent to LEAs.

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**TITLE XV—RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD AND RECOVERY INDEPENDENT ADVISORY PANEL**

Title XV establishes the Recovery Accountability and Transparency Board (the Board) to provide oversight and transparency of expenditures made under the authorities provided in this act. The Board will coordinate audits and investigations conducted by agency Inspectors General and will consult with the Government Accountability Office and State auditor generals as those entities perform similar oversight. The Board also will initiate and conduct independent audits and investigations, including holding public hearings. The Board's activities will ensure continued and coordinated oversight of spending so that taxpayer dollars are used effectively and efficiently while avoiding waste, fraud, and abuse. The Board's activities will ensure that entities receiving Federal funds will be held accountable for how taxpayer dollars are spent. The Board also will provide transparency for the taxpayer by posting on the Board's website up-to-date, easily understandable information about spending authorized in this act.

The Board shall be comprised of agency Inspectors General and shall be chaired by an individual appointed by the President with the advice and consent of the Senate. The Committee directs that the Chairperson shall be available to testify before the Congress on oversight activities conducted under the authorities provided in this title.

Title XV also establishes the Recovery Independent Advisory Panel (the Panel) to provide independent recommendations to the Board. The Panel shall be comprised of five individuals appointed by the President on the basis of their expertise in economics, public finance, contracting, accounting, and other related fields.

Title XV includes the following provisions:

SEC. 1501. Establishes definitions for terms used in this title.

SEC. 1511. Establishes the Recovery Accountability and Transparency Board (the Board). The Board will coordinate and conduct oversight of funds expended and obligated under authorities provided in this act in order to prevent waste, fraud, and abuse.

SEC. 1512. Relates to the Chairperson and members of the Board.

SEC. 1513. Establishes the functions of the Board, requires quarterly and annual reporting by the Board, and requires that such reports be made publicly available. This section also requires that the Board make recommendations to agencies to prevent waste, fraud, and abuse. Finally, this section requires an agency receiving recommendations from the Board to report to the President and the Congress on whether the agency agrees or disagrees with the recommendation and what actions, if any, the agency plans to take to implement the recommendations.

SEC. 1514. provides powers to the Board associated with audits, investigations, and public hearings. This section also provides the Board the authority to enter into contracts and to transfer funds to agencies that will support the work of the Board. Finally, this section provides for transfers of funds to support the operations of

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the Recovery Independent Advisory Panel established under section 1531 of this title.

SEC. 1515. Provides employment and personnel authorities to the Board and requires all agencies and entities of the Federal Government to furnish information or assistance requested by the Board, as appropriate.

SEC. 1516. Provides that Inspectors General shall maintain all independent authorities established under current law.

SEC. 1517. Requires the Board to coordinate oversight activities with the Comptroller General of the United States and State auditor generals.

SEC. 1518. Relates to whistleblower protections.

SEC. 1519. Requires the Board to establish a website for making information regarding oversight activities publicly available.

SEC. 1520. Authorizes appropriations for the Board's activities.

SEC. 1521. Provides that the Board shall terminate on September 30, 2012.

SEC. 1531. Establishes the Recovery Independent Advisory Panel (the Panel).

SEC. 1532. Directs the Panel to make recommendations to the Board established by section 1511.

SEC. 1533. Provides powers to the Panel, including powers related to information gathering.

SEC. 1534. Provides employment and personnel authorities to the Panel.

SEC. 1535. Provides that the Panel shall terminate on September 30, 2012.

SEC. 1536. Authorizes appropriations for the Panel's activities.

SEC. 1541. Requires the Chairperson of the Council of Economic Advisers, in consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, to submit quarterly reports detailing the estimated impact of programs funded in the act on employment, economic growth, and other key economic indicators.

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## TITLE XVI—GENERAL PROVISIONS—THIS ACT

### AVAILABILITY OF FUNDS

SEC. 1601. The Committee recommends a provision that limits the availability of the funds provided in this title to the current fiscal year unless expressly provided otherwise.

### EMERGENCY DESIGNATION

SEC. 1602. The Committee recommends a provision designating the funds in this act as emergency requirements.

Unless otherwise noted, all appropriations in the bill are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 and section 301(b)(2) of S. Con. Res. 70, the congressional budget resolutions for fiscal years 2008 and 2009.

### RELATIONSHIP TO OTHER APPROPRIATIONS

SEC. 1603. The Committee recommends a provision which stipulates that funds made available by this act are in addition to amounts made available in other appropriations measures for fiscal year 2009 to include the continuing resolution.

### BUY AMERICAN

SEC. 1604. The bill requires that no funds in the bill may be used for the purchase of steel, iron or manufactured items used on construction related projects on public infrastructure unless the items were produced in the United States. A waiver of this provision is allowed when it is in the public interest or adds substantially to the cost of the project.

### CERTIFICATION

SEC. 1605. The Committee is including a general provision to increase accountability on the use of funding provided in this act. Under this section each chief executive who receives Federal funding will be required to certify that he or she has reviewed and vetted the funding provided and to stipulate that the funding is an appropriate use of taxpayer dollars.

### NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution (S. Con. Res. 21) agreed to by Congress for fiscal year 2008 includes a spending provision related to the notification of emergency spending. This provision requires a statement of how the emergency provisions contained in the bill meet the criteria for emergency spending as identified in the budget resolution. The bill contains emergency funding for fiscal year 2009 for responses to the deteriorating economy, natural disasters and for other needs. The funding recommended herein is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the devastating effects of the economic crisis, natural disasters, and rising unemployment. These needs meet the criteria for emergency funding.

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## COMPLIANCE WITH PARAGRAPH 7(c), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on \_\_\_\_, the Committee ordered reported an original bill (S. \_\_\_\_ ) making appropriations for \_\_\_\_ for the fiscal year ending September 30, 20 \_\_\_\_, and for other purposes, and authorized the chairman of the committee or the chairman of the subcommittee to offer the text of the Senate bill as a committee amendment in the nature of a substitute to the House companion measure, with the bill subject to amendment, by a recorded vote of 00-0, a quorum being present. The vote was as follows:

Yeas

Nays

## COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee."

In compliance with this rule, the following changes in existing law proposed to be made by the bill are shown as follows: existing law to be omitted is enclosed in black brackets; new matter is printed in italics; and existing law in which no change is proposed is shown in roman.

### TITLE 7—AGRICULTURE

#### CHAPTER 35—AGRICULTURAL ADJUSTMENT ACT OF 1938

#### SUBCHAPTER II—LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS, MARKETING QUOTAS, AND MARKETING CERTIFICATES

#### PART A—DEFINITIONS, LOANS, PARITY PAYMENTS, AND CONSUMER SAFEGUARDS

#### § 1308. Payment limitations

(a) DEFINITION.—In this section through section 1001F:

(1) COVERED COMMODITY.—The term "covered commodity" has the meaning given that term in section 1001 of the Food, Conservation, and Energy Act of 2008

\* \* \* \* \*

(f) SPECIAL RULES.—

(1) Minor children.

\* \* \* \* \*

(6) STATE AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—Notwithstanding subsection (d), except as provided in subsection (g), a State or local government, or political subdivision or agency of the government, shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act (*other than the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of this Act*).

\* \* \* \* \*

**CHAPTER 36—CROP INSURANCE**

**SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE**

**§ 1531. Supplemental agricultural disaster assistance**

**(a) Definitions.**

\* \* \* \* \*

**(e) Emergency assistance for livestock, honey bees, and farm-raised fish.**

**(1) In general.**

The Secretary shall use up to \$ 50,000,000 per year, and \$150,000,000 in the case of 2009, from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

**(2) Use of funds.**

Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

**(3) 2008 AQUACULTURE ASSISTANCE.—**

**(A) DEFINITION OF ELIGIBLE AQUACULTURE PRODUCER.—***In this paragraph, the term 'eligible aquaculture producer' means an aquaculture producer that in the 2008 calendar year, as determined by the Secretary—*

*(i) produced an aquaculture species for which feed costs represented more than 50 percent of the input costs of the aquaculture operation;*

*(ii) experienced an average price increase of feed costs in excess of 50 percent above the previous 5-year average; and*

*(iii) produced an aquaculture species for which the market price in the 2008 calendar year was at or below the previous 5-year average.*

**(B) GRANT PROGRAM.—**

*(i) IN GENERAL.—The Secretary use amounts made available under paragraph (1) for calendar year 2009*

*to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2008 calendar year.*

*(ii) NOTIFICATION.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.*

*(iii) PROVISION OF GRANTS.—Not later than 120 days after the date of enactment of this subparagraph, the Secretary shall make grants to States to provide assistance under this paragraph.*

*(iv) REQUIREMENTS.—The Secretary shall make grants under this paragraph only to States that demonstrate to the satisfaction of the Secretary that the State will—*

*(I) use grant funds to assist eligible aquaculture producers;*

*(II) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and*

*(III) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—*

*(aa) the manner in which the State provided assistance;*

*(bb) the amounts of assistance provided per species of aquaculture; and*

*(cc) the process by which the State determined the levels of assistance to eligible aquaculture producers.*

*(C) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this paragraph shall not be eligible to receive any other assistance under this section for any losses in 2009 relating to the same species of aquaculture.*

*(D) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall submit to the appropriate committees of Congress a report that—*

*(i) describes in detail the manner in which this paragraph has been carried out; and*

*(ii) includes the information reported to the Secretary under subparagraph (B)(iv)(III).*

**[(3)] (4) Availability of funds.**

Any funds made available under this subsection shall remain available until expended.

\* \* \* \* \*

**(g) Risk management purchase requirement.**

(1) In general.

\* \* \* \* \*

(6) De minimis exception.

(A) In general.

\* \* \* \* \*

(B) Treatment of acreage.

The Secretary shall not consider the value of any crop exempted under subparagraph (A) in calculating the supplemental revenue assistance program guarantee under subsection (b)(3) and the total farm revenue under subsection (b)(4).

(7) 2008 TRANSITION ASSISTANCE.—

(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section in accordance with subparagraph (B) if the eligible producers on the farm—

(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and

(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle) for the next insurance year for which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2009 crop year.

(B) AMOUNT OF ASSISTANCE.—Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—

(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and

(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except

that in determining yield under that program, the Secretary shall use a percentage that is 70 percent.

(C) **EQUITABLE RELIEF.**—Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and received, or are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an additional amount equal to the greater of—

(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or

(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—

(I) in clause (i) of that subparagraph, “120 percent” is substituted for “115 percent”; and

(II) in clause (ii) of that subparagraph, “125” is substituted for “120 percent”.

(D) **LIMITATION.**—For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher level of crop insurance prior to the date of enactment of this paragraph.

(E) **AUTHORITY OF THE SECRETARY.**—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.

(F) **LACK OF ACCESS.**—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

(i) suffered a production loss due to a natural cause during the 2008 crop year; and

(ii) as determined by the Secretary—

(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

TITLE 15—COMMERCE AND TRADE

CHAPTER 14A—AID TO SMALL BUSINESS

§ 636. Additional powers

(a) Loans to small business concerns; allowable purposes; qualified business; restrictions and limitations.

The Administration is empowered to the extent and in such amounts as provided in advance in appropriation Acts to make loans for plant acquisition, construction, conversion, or expansion, including the acquisition of land, material, supplies, equipment, and working capital, and to make loans to any qualified small business concern, including those owned by qualified Indian tribes, for purposes of this Act. Such financings may be made either directly or in cooperation with banks or other financial institutions through agreements to participate on an immediate or deferred (guaranteed) basis. These powers shall be subject, however, to the following restrictions, limitations, and provisions:

(1) IN GENERAL.—

\* \* \* \* \*

(3) No loan shall be made under this subsection—

(A) if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by this Act would exceed *[\$1,500,000 (or if the gross loan amount would exceed \$2,000,000)] \$2,250,000 (or if the gross loan amount would exceed \$3,000,000)*, except as provided in subparagraph (B);

\* \* \* \* \*

CHAPTER 14B—SMALL BUSINESS INVESTMENT PROGRAM

SUBCHAPTER III—INVESTMENT DIVISION PROGRAMS

PART A—SMALL BUSINESS INVESTMENT COMPANIES

§ 683. Borrowing operations

(a) Authority to issue obligations.

Each small business investment company shall have authority to borrow money and to issue its securities, promissory notes, or other obligations under such general conditions and subject to such limitations and regulations as the Administration may prescribe.

(b) \* \* \*

\* \* \* \* \*

(1) The total amount of debentures and participating securities that may be guaranteed by the Administration and outstanding from a company licensed under section 681(c) of this title shall not exceed 300 per centum of the private capital of such company: Provided, That nothing in this paragraph shall require any such company that on March 31, 1993, has outstanding debentures in excess

of 300 per centum of its private capital to prepay such excess: And provided further, That any such company may apply for an additional debenture guarantee or participating security guarantee with the proceeds to be used solely to pay the amount due on such maturing debenture, but the maturity of the new debenture or security shall be not later than September 30, 2002.

**(2) MAXIMUM LEVERAGE.**

**[(A) IN GENERAL.—**After March 31, 1993, the maximum amount of outstanding leverage made available to a company licensed under section 301(c) of this Act shall be determined by the amount of such company's private capital—

**[(i)** if the company has private capital of not more than \$ 15,000,000, the total amount of leverage shall not exceed 300 percent of private capital;

**[(ii)** if the company has private capital of more than \$ 15,000,000 but not more than \$ 30,000,000, the total amount of leverage shall not exceed \$ 45,000,000 plus 200 percent of the amount of private capital over \$ 15,000,000; and

**[(iii)** if the company has private capital of more than \$ 30,000,000, the total amount of leverage shall not exceed \$ 75,000,000 plus 100 percent of the amount of private capital over \$ 30,000,000 but not to exceed an additional \$ 15,000,000.

**[(B) ADJUSTMENTS.**

**[(i) IN GENERAL.—**The dollar amounts in clauses (i), (ii), and (iii) of subparagraph (A) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor.

**[(ii) INITIAL ADJUSTMENTS.—**The initial adjustments made under this subparagraph after the date of the enactment of the Small Business Reauthorization Act of 1937 [1997] [enacted Dec. 2, 1997] shall reflect only increases from March 31, 1993.

**[(C) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—**In calculating the outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351 [15 USCS § 689]), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.]

**(A) IN GENERAL.—***The maximum amount of outstanding leverage made available to any 1 company licensed under section 301(c) may not exceed the lesser of—*

*(i) 300 percent of the private capital of the company; or*

*(ii) \$150,000,000.*

**(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—***The maximum amount of outstanding leverage made available to 2 or more companies licensed under section 301(c) that are commonly controlled (as determined by the Administrator) may not exceed \$225,000,000.*

**(C) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—**

*(i) IN GENERAL.—The maximum amount of outstanding leverage made available to—*

*(I) any 1 company described in clause (ii) may not exceed the lesser of—*

*(aa) 300 percent of private capital of the company; or*

*(bb) \$175,000,000; and*

*(II) 2 or more companies described in clause (ii) that are commonly controlled (as determined by the Administrator) may not exceed \$250,000,000.*

*(ii) APPLICABILITY.—A company described in this clause is a company licensed under section 301(c) that certifies in writing that not less than 50 percent of the dollar amount of investments of that company shall be made in companies that are located in a low-income geographic area (as that term is defined in section 351).*

\* \* \* \* \*

(3) Subject to the foregoing dollar and percentage limits, a company licensed under section 301(c) of this Act may issue and have outstanding both guaranteed debentures and participating securities: Provided, That the total amount of participating securities outstanding shall not exceed 200 per centum of private capital.

**[(4) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.**

**[(A) IN GENERAL.—**Except as provided in subparagraph (B), the aggregate amount of outstanding leverage issued to any company or companies that are commonly controlled (as determined by the Administrator) may not exceed \$ 90,000,000, as adjusted annually for increases in the Consumer Price Index.

**[(B) EXCEPTIONS.—**The Administrator may, on a case-by-case basis—

**[(i)** approve an amount of leverage that exceeds the amount described in subparagraph (A) for companies under common control; and

**[(ii)** impose such additional terms and conditions as the Administrator determines to be appropriate to minimize the risk of loss to the Administration in the event of default.

**[(C) APPLICABILITY OF OTHER PROVISIONS.—**Any leverage that is issued to a company or companies commonly controlled in an amount that exceeds \$ 90,000,000, whether as a result of an increase in the Consumer Price Index or a decision of the Administrator, is subject to subsection (d).

**[(D) INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—**In calculating the aggregate outstanding leverage of a company for the purposes of subparagraph (A), the Administrator shall not include the amount of the cost basis of any equity investment made by the company in a smaller enterprise located in a low-income geographic area (as defined in section 351 [15

USCS § 689)), to the extent that the total of such amounts does not exceed 50 percent of the company's private capital.

**[(E) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.**

**[(i) IN GENERAL.—**Subject to clause (ii), in calculating the aggregate outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

**[(ii) LIMITATIONS.**

**[(I) AMOUNT OF EXCLUSION.—**The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

**[(II) MAXIMUM INVESTMENT.—**A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

**[(III) OTHER TERMS.—**The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.

**[For purposes of this subsection, the term "venture capital" includes such common stock, preferred stock, or other financing with subordination or nonamortization characteristics as the Administration determines to be substantially similar to equity financing.]**

\* \* \* \* \*

**[(d) Required certifications.**

**[(1) In general.**

**[The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing—**

**[(A) for licensees with leverage less than or equal to \$ 90,000,000, that not less than 20 percent of the licensee's aggregate dollar amount of financings will be provided to smaller enterprises; and**

**[(B) for licensees with leverage in excess of \$ 90,000,000, that, in addition to satisfying the requirements of subparagraph (A), 100 percent of the licensee's aggregate dollar amount of financings made in whole or in part with leverage in excess of \$ 90,000,000 will be provided to smaller enterprises (as defined in section 103(12) of this title).**

**[(2) Multiple licensees.**

**[Multiple licensees under common control (as determined by the Administrator) shall be considered to be a single licensee for purposes of determining both the applicability of and**

compliance with the investment percentage requirements of this subsection.]

*(d) INVESTMENTS IN SMALLER ENTERPRISES.—The Administrator shall require each licensee, as a condition of approval of an application for leverage, to certify in writing that not less than 25 percent of the aggregate dollar amount of financings of that licensee shall be provided to smaller enterprises.*

\* \* \* \* \*

**§ 686. Aggregate limitations on amount of assistance to any single enterprise**

**(a) Percentage limitation of private capital**

If any small business investment company has obtained financing from the Administration and such financing remains outstanding, the aggregate amount of obligations and securities acquired and for which commitments may be issued by such company under the provisions of this subchapter for any single enterprise shall not exceed [20 per centum] 30 percent of the private capital of such company, without the approval of the Administration.

\* \* \* \* \*

**SUBCHAPTER V—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES**

**§ 696. Loans for plant acquisition, construction, conversion, and expansion**

The Administration may, in addition to its authority under section 501 [15 USCS § 695], make loans for plant acquisition, construction, conversion or expansion, including the acquisition of land, to State and local development companies, and such loans may be made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis: Provided, however, That the foregoing powers shall be subject to the following restrictions and limitations:

(1) **USE OF PROCEEDS.**—The proceeds of any such loan shall be used solely by the borrower to assist 1 or more identifiable small business concerns and for a sound business purpose approved by the Administration.

(2) **MAXIMUM AMOUNT.**

(A) **IN GENERAL.**—Loans made by the Administration under this section shall be limited to—

(i) **[\$1,500,000] \$3,000,000** for each small business concern if the loan proceeds will not be directed toward a goal or project described in subparagraph (B) or (C);

(ii) **[\$2,000,000] \$3,500,000** for each small business concern if the loan proceeds will be directed toward 1 or more of the public policy goals described under section 501(d)(3) [15 USCS § 695(d)(3)];

(iii) **[\$4,000,000]** \$5,500,000 for each project of a small manufacturer;

\* \* \* \* \*

(6) **OWNERSHIP REQUIREMENTS.**—Ownership requirements to determine the eligibility of a small business concern that applies for assistance under any credit program under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.

(7) **PERMISSIBLE DEBT FINANCING.**—A financing under this title may include refinancing of existing indebtedness, in an amount not to exceed 50 percent of the projected cost of the project financed under this title, if—

(A) the project financed under this title involves the expansion of a small business concern;

(B) the existing indebtedness is collateralized by fixed assets;

(C) the existing indebtedness was incurred for the benefit of the small business concern;

(D) the proceeds of the existing indebtedness were used to acquire land (including a building situated thereon), to construct or expand a building thereon, or to purchase equipment;

(E) the borrower has been current on all payments due on the existing indebtedness for not less than 1 year preceding the proposed date of refinancing;

(F) the financing under this title will provide better terms or a better rate of interest than exists on the existing indebtedness on the proposed date of refinancing;

(G) the financing under this title is not being used to refinance any debt guaranteed by the Government; and

(H) the financing under this title will be used only for—

(i) refinancing existing indebtedness; or

(ii) costs relating to the project financed under this title.

\* \* \* \* \*

**TITLE 19—CUSTOMS DUTIES**

**CHAPTER 12—TRADE ACT OF 1974**

**SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE**

**§ 2497. Supplemental agricultural disaster assistance**

(a) \* \* \*

\* \* \* \* \*

(e) **Emergency assistance for livestock, honey bees, and farm-raised fish.**

(1) **In general.**

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The Secretary shall use up to \$ 50,000,000 per year, and \$150,000,000 in the case of 2009, from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farmraised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

**(2) Use of funds.**

Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

**(3) 2008 AQUACULTURE ASSISTANCE.—**

**(A) DEFINITION OF ELIGIBLE AQUACULTURE PRODUCER.—***In this paragraph, the term 'eligible aquaculture producer' means an aquaculture producer that in the 2008 calendar year, as determined by the Secretary—*

*(i) produced an aquaculture species for which feed costs represented more than 50 percent of the input costs of the aquaculture operation;*

*(ii) experienced an average price increase of feed costs in excess of 50 percent above the previous 5-year average; and*

*(iii) produced an aquaculture species for which the market price in the 2008 calendar year was at or below the previous 5-year average.*

**(B) GRANT PROGRAM.—**

*(i) IN GENERAL.—The Secretary use amounts made available under paragraph (1) for calendar year 2009 to carry out a program of grants to States to assist eligible aquaculture producers for losses associated with high feed input costs during the 2008 calendar year.*

*(ii) NOTIFICATION.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall notify the State department of agriculture (or similar entity) in each State of the availability of funds to assist eligible aquaculture producers, including such terms as determined by the Secretary to be necessary for the equitable treatment of eligible aquaculture producers.*

*(iii) PROVISION OF GRANTS.—Not later than 120 days after the date of enactment of this subparagraph, the Secretary shall make grants to States to provide assistance under this paragraph.*

*(iv) REQUIREMENTS.—The Secretary shall make grants under this paragraph only to States that demonstrate to the satisfaction of the Secretary that the State will—*

*(I) use grant funds to assist eligible aquaculture producers;*

*(II) provide assistance to eligible aquaculture producers not later than 60 days after the date on which the State receives grant funds; and*

(III) not later than 30 days after the date on which the State provides assistance to eligible aquaculture producers, submit to the Secretary a report that describes—

(aa) the manner in which the State provided assistance;

(bb) the amounts of assistance provided per species of aquaculture; and

(cc) the process by which the State determined the levels of assistance to eligible aquaculture producers.

(C) REDUCTION IN PAYMENTS.—An eligible aquaculture producer that receives assistance under this paragraph shall not be eligible to receive any other assistance under this section for any losses in 2009 relating to the same species of aquaculture.

(D) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall submit to the appropriate committees of Congress a report that—

(i) describes in detail the manner in which this paragraph has been carried out; and

(ii) includes the information reported to the Secretary under subparagraph (B)(iv)(III).

**[(3)] (4) Availability of funds.**

Any funds made available under this subsection shall remain available until expended.

\* \* \* \* \*

**(g) Risk management purchase requirement.**

(1) \* \* \*

\* \* \* \* \*

**(6) De minimis exception.**

(A) \* \* \*

\* \* \* \* \*

(B) \* \* \*

**(7) 2008 TRANSITION ASSISTANCE.—**

(A) IN GENERAL.—Eligible producers on a farm described in subparagraph (A) of paragraph (4) that failed to timely pay the appropriate fee described in that subparagraph shall be eligible for assistance under this section in accordance with subparagraph (B) if the eligible producers on the farm—

(i) pay the appropriate fee described in paragraph (4)(A) not later than 90 days after the date of enactment of this paragraph; and

(ii)(I) in the case of each insurable commodity of the eligible producers on the farm, excluding grazing land, agree to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program

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*under that Act) for the next insurance year for which crop insurance is available to the eligible producers on the farm at a level of coverage equal to 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and*

*(II) in the case of each noninsurable commodity of the eligible producers on the farm, agree to file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2009 crop year.*

**(B) AMOUNT OF ASSISTANCE.**—*Eligible producers on a farm that meet the requirements of subparagraph (A) shall be eligible to receive assistance under this section as if the eligible producers on the farm—*

*(i) in the case of each insurable commodity of the eligible producers on the farm, had obtained a policy or plan of insurance for the 2008 crop year at a level of coverage not to exceed 70 percent or more of the recorded or appraised average yield indemnified at 100 percent of the expected market price, or an equivalent coverage; and*

*(ii) in the case of each noninsurable commodity of the eligible producers on the farm, had filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the 2008 crop year, except that in determining yield under that program, the Secretary shall use a percentage that is 70 percent.*

**(C) EQUITABLE RELIEF.**—*Except as provided in subparagraph (D), eligible producers on a farm that met the requirements of paragraph (1) before the deadline described in paragraph (4)(A) and received, or are eligible to receive, a disaster assistance payment under this section for a production loss during the 2008 crop year shall be eligible to receive an additional amount equal to the greater of—*

*(i) the amount that would have been calculated under subparagraph (B) if the eligible producers on the farm had paid the appropriate fee under that subparagraph; or*

*(ii) the amount that would have been calculated under subparagraph (A) of subsection (b)(3) if—*

*(I) in clause (i) of that subparagraph, “120 percent” is substituted for “1115 percent”; and*

*(II) in clause (ii) of that subparagraph, “125” is substituted for “120 percent”.*

**(D) LIMITATION.**—*For amounts made available under this paragraph, the Secretary may make such adjustments as are necessary to ensure that no producer receives a payment under this paragraph for an amount in excess of the assistance received by a similarly situated producer that had purchased the same or higher level of crop insurance prior to the date of enactment of this paragraph.*

(E) *AUTHORITY OF THE SECRETARY.*—The Secretary may provide such additional assistance as the Secretary considers appropriate to provide equitable treatment for eligible producers on a farm that suffered production losses in the 2008 crop year that result in multiyear production losses, as determined by the Secretary.”

(F) *LACK OF ACCESS.*—Notwithstanding any other provision of this section, the Secretary may provide assistance under this section to eligible producers on a farm that—

(i) suffered a production loss due to a natural cause during the 2008 crop year; and

(ii) as determined by the Secretary—

(I)(aa) except as provided in item (bb), lack access to a policy or plan of insurance under subtitle A; or

(bb) do not qualify for a written agreement because 1 or more farming practices, which the Secretary has determined are good farming practices, of the eligible producers on the farm differ significantly from the farming practices used by producers of the same crop in other regions of the United States; and

(II) are not eligible for the noninsured crop disaster assistance program established by section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

\* \* \* \* \*

**TITLE 42—THE PUBLIC HEALTH AND WELFARE**

**CHAPTER 41—DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT PROGRAM**

**SUBCHAPTER IV—MISCELLANEOUS PROVISIONS**

\* \* \* \* \*

**§ 3374. Acquisition of property at or near military bases which have been ordered to be closed and certain property owned by members of the armed forces, Department of Defense and United States Coast Guard civilian employees, and surviving spouses**

**(a) Authorization; conditions precedent**

[Notwithstanding any other provision of law](1) *ACQUISITION OF PROPERTY AT OR NEAR MILITARY INSTALLATIONS THAT HAVE BEEN ORDERED TO BE CLOSED.*—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which is situated at or near a military base or installation which the Department of Defense has, subsequent to November 1, 1964, ordered to be closed in whole or in part, [if he determines—] if—

(A) *the Secretary determines—*

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[(1)](i) that the owner of such property is, or has been, a Federal employee employed at or in connection with such base or installation (other than a temporary employee serving under a time limitation), a nonappropriated fund instrumentality employee employed at a nonappropriated fund instrumentality operated in connection with such base or installation, or a member of the Armed Forces of the United States assigned thereto;

[(2)](ii) that the closing of such base or installation, in whole or in part, has required or will require the termination of such owner's employment or service at or in connection with such base or installation or, in the case of a member of the Armed Forces not assigned to that base or installation at the time of public announcement of such closing, will prevent any reassignment of such member to the base or installation; and

[(3)](iii) that as the result of the actual or pending closing of such base or installation in whole or in part, or if as the result of such action and other similar action in the same area, there is no present market for the sale of such property upon reasonable terms and conditions[.]; or  
(B) the Secretary determines—

(i) that the conditions in clauses (i) and (ii) of subparagraph (A) have been met;

(ii) that the closing or realignment of the base or installation resulted from a realignment or closure carried out under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part XXIX of Public Law 101-510; 10 U.S.C. 2687 note);

(iii) that the property was purchased by the owner before July 1, 2006;

(iv) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

(v) that the property is the primary residence of the owner; and

(vi) that the owner has not previously received benefit payments authorized under this subsection.

(2) HOMEOWNER ASSISTANCE FOR WOUNDED MEMBERS OF THE ARMED FORCES, DEPARTMENT OF DEFENSE AND UNITED STATES COAST GUARD CIVILIAN EMPLOYEES, AND THEIR SPOUSES.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which was at the time of the relevant wound, injury, or illness, the primary residence of—

(A) any member of the Armed Forces in medical transition who—

(i) incurred a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces;

(ii) is disabled to a degree of 30 percent or more as a result of such wound, injury, or illness, as determined by

*the Secretary of Defense or the Secretary of Veterans Affairs; and*

*(iii) is reassigned in furtherance of medical treatment or rehabilitation, or due to medical retirement in connection with such disability;*

*(B) any civilian employee of the Department of Defense or the United States Coast Guard who—*

*(i) was wounded, injured, or became ill in the line of duty during a forward deployment in support of the Armed Forces; and*

*(ii) is reassigned in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the sustained disability; or*

*(C) the spouse of a member of the Armed Forces or a civilian employee of the Department of Defense or the United States Coast Guard if—*

*(i) the member or employee was killed in the line of duty during a deployment in support of the Armed Forces or died from a wound, injury, or illness incurred in the line of duty during such a deployment; and*

*(ii) the spouse relocates from such residence within 2 years after the death of such member or employee.*

**(3) TEMPORARY HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING SPECIFIED MORTGAGE CRISIS.—***Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling situated at or near a military base or installation, if the Secretary determines—*

*(A) that the owner is a member of the Armed Forces serving on permanent assignment;*

*(B) that the owner is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the base or installation;*

*(C) that the reassignment was ordered between February 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;*

*(D) that the property was purchased by the owner before July 1, 2006;*

*(E) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;*

*(F) that the property is the primary residence of the owner; and*

*(G) that the owner has not previously received benefit payments authorized under this subsection.*

**(b) Eligibility for benefits; criteria**

**(1)** In order to be eligible for the benefits of [this section] subsection (a)(1), a civilian employee or a member of the Armed Forces—

\* \* \* \* \*

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(2) A member of the Armed Forces shall also be eligible for the benefits of [this section] *subsection (a)(1)* if the member—

\* \* \* \* \*

(3) The eligibility of a civilian employee and member of the Armed Forces under paragraph (1) and a member of the Armed Forces under paragraph (2) for benefits under [this section] *subsection (a)(1)* in connection with the closure of an installation or activity is subject to the additional conditions set out in paragraphs (4) and (5).

\* \* \* \* \*

(5) \* \* \*

(A) \* \* \*

(B) be unemployed, not as a matter of personal choice, and able to demonstrate such financial hardship that they are unable to meet their mortgage payments and related expenses.

(c) **Election of benefits; mortgage loan encumbrance; foreclosure expenses**

**[Such persons] (1) HOMEOWNER ASSISTANCE RELATED TO CLOSED MILITARY INSTALLATIONS.—**

**(A) IN GENERAL.—**Such persons as the Secretary of Defense may determine to be eligible under the criteria [set forth above shall elect either (1) to receive] *set forth in subsection (a)(1) shall elect either—*

*(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the [difference between (A) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation and (B) the fair market value] difference between—*

*(I) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation; and*

*(II) the fair market value of such property (as such value is so determined) at the [time of the sale, or (2) to receive] time of the sale; or*

*(ii) to receive, as purchase price for their property, an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the [outstanding mortgages. The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount] outstanding mortgages.*

**(B) REIMBURSEMENT OF EXPENSE.—**The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the

person and is in the [best interest of the Federal Government. Cash payment] *best interest of the United States.*

**(2) HOMEOWNER ASSISTANCE FOR WOUNDED INDIVIDUALS AND THEIR SPOUSES.—**

**(A) IN GENERAL.—***Persons eligible under the criteria set forth in subsection (a)(2) may elect either—*

*(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—*

*(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and*

*(II) the fair market value of such property (as such value is so determined) at the time of the wound, injury, or illness qualifying the individual for benefits under subsection (a)(2); or*

*(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.*

**(B) DETERMINATION OF BENEFITS.—***The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.*

**(3) HOMEOWNER ASSISTANCE FOR PERMANENTLY REASSIGNED INDIVIDUALS.—**

**(A) IN GENERAL.—***Persons eligible under the criteria set forth in subsection (a)(3) may elect either—*

*(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—*

*(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and*

*(II) the fair market value of such property (as such value is so determined) at the time the person received change of permanent station orders; or*

*(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.*

**(B) DETERMINATION OF BENEFITS.—***The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.*

**(4) COMPENSATION AND LIMITATIONS RELATED TO FORECLOSURES AND ENCUMBRANCES—***Cash payment as compensation for losses sustained in a private sale shall not be made in any case in*

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which the property is encumbered by a mortgage loan guaranteed, insured, or held by a Federal agency unless such mortgage loan is paid, assumed by a purchaser satisfactory to such Federal agency, or otherwise fully satisfied at or prior to the time such cash payment is made. Except in cases of payment as compensation for losses, in the event of foreclosure by mortgagees commenced on or after public announcement of intention to close all or part of the military base or installation the Secretary of Defense may reimburse or pay on account of eligible persons such sums as may be paid or be otherwise due and owing by such persons as the result of such foreclosure, including (without limiting the generality of the foregoing) direct costs of judicial foreclosure, expenses and liabilities enforceable according to the terms of their mortgages or promissory notes, and the amount of debts, if any, established against such persons by a Federal agency in the case of loans made, guaranteed, or insured by such agency following liquidation of the security for such loans.

\* \* \* \* \*

**[(g) Agreements between executive departments; delegation of functions; finality of determinations; availability of Fund**

[The Secretary of Defense is authorized to enter into such agreement with the Secretary of Housing and Urban Development as may be appropriate for the purposes of economy and efficiency of administration of this section. Such agreement may provide authority to the Secretary of Housing and Urban Development and his designee to make any or all of the determinations and take any or all of the actions which the Secretary of Defense is authorized to undertake pursuant to the preceding provisions of this section. Any such determinations shall be entitled to finality to the same extent as if made by the Secretary of Defense, and, in event the Secretaries of Defense and Housing and Urban Development so elect, the fund established pursuant to subsection (d) of this section shall be available to the Secretary of Housing and Urban Development to carry out the purposes thereof.]

\* \* \* \* \*

**(l) Foreign property losses**

Notwithstanding the provisions of subsection [(a)(2)] (a)(1)(A)(ii) and subsection (b)(5) of this section, Federal employees or military personnel employed at or near a military base or installation outside the United States who are otherwise eligible under the criteria as set forth above shall be entitled to compensation for losses arising (1) out of the sale of property, or (2) out of the inability to sell property located on a base or installation, incident to the owner's transfer, reassignment, or involuntary termination of employment, which results in his relocation. Such employees or military personnel whose property is located off a base or installation shall be entitled to compensation under subsection (c) of this section for losses sustained in private sales. Such employees or personnel whose property is located on a base or installation, who sell or are unable to find a purchaser for such property, may surrender

their interest in such property to the United States, and shall be entitled to compensation, notwithstanding lack of ownership of the land on which such property is located, in an amount equal to (A) 90 per centum of the sum of the present owner's purchase price of the dwelling and improvements, and all costs of ownership including interest on notes, utilities and services, maintenance and insurance, less (B) the total of all housing allowances received from the Government during ownership and occupancy of the dwelling, all rents collected, and the sale price, if any, received for the property, as determined by the Secretary of Defense: *Provided, however,* That the maximum compensation shall in no event exceed 90 per centum of the unamortized portion of the cost of the property, including improvements, at the time ownership is terminated, as reflected in the amortization schedule, if any, relating to such property. For the purpose of this subsection, the term "United States" means the several States and the District of Columbia.

**(m) Eligibility for benefits as to closure actions announced after April 1, 1973; criteria**

In addition to the coverage provided above, the benefits of [this section] *subsection (a)(1)* shall apply, as to closure actions in the several States and the District of Columbia announced after April 1, 1973, to otherwise eligible employees or personnel who are (1) employed or assigned either at or near the base or installation affected by the closure action, and (2) are required to relocate, due to transfer, reassignment or involuntary termination of employment, for reasons other than the closure action.

**(n) Relocation assistance for Coast Guard personnel**

(1) Assistance under [this section] *subsection (a)(1)* shall be provided by the Secretary of Defense with respect to Coast Guard bases and installations ordered to be closed, in whole or in part, after January 1, 1987. Such assistance shall be provided under terms equivalent to those under which assistance is provided under this section for closings of military bases and installations which are under the jurisdiction of the Secretary of Defense.

(2) The Secretary of the department in which the Coast Guard is operating, if other than the Department of Defense, shall reimburse the Secretary of Defense for expenditures under [this section] *subsection (a)(1)* made by the Secretary of Defense with respect to closings of Coast Guard bases and installations ordered when the Coast Guard is not operating as a service in the Navy. The Secretary of Defense and the Secretary of the department in which the Coast Guard is operating shall enter into an agreement under which the Secretary of the department in which the Coast Guard is operating shall carry out such reimbursement.

**(o) Relocation assistance for nonappropriated fund instrumentality and other civilian employees**

(1) Assistance under [this section] *subsection (a)(1)* shall be provided by the Secretary of Defense with respect to non-appropriated fund instrumentality employees adversely affected by the closure of a base or installation ordered to be closed, in whole or in part, after December 31, 1988.

(2) Notwithstanding subsection (b) of [this section] *subsection (a)(1)*, a civilian employee who is serving overseas and is entitled to reemployment by the Federal Government (including a non-appropriated fund instrumentality of the United States) at or in connection with a base or installation ordered to be closed, in whole or in part, shall be entitled to the benefits of this section to the same extent as an employee employed at or in connection with that base or installation.

(3) \* \* \*

[(4) For purposes of this section:

[(A) The term "nonappropriated fund instrumentality employee" means a civilian employee who—

[(i) is a citizen of the United States; and

[(ii) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

[(B) The term "civilian employee" has the meaning given the term "employee" in section 2105(a) of title 5.]

(p) *DEFINITIONS.—In this section:*

(1) *the term "Armed Forces" has the meaning given the term "armed forces" in section 101(a) of title 10, United States Code;*

(2) *the term "civilian employee" has the meaning given the term "employee" in section 2105(a) of title 5, United States Code;*

(3) *the term "medical transition", in the case of a member of the Armed Forces, means a member who—*

(A) *is in Medical Holdover status;*

(B) *is in Active Duty Medical Extension status;*

(C) *is in Medical Hold status;*

(D) *is in a status pending an evaluation by a medical evaluation board;*

(E) *has a complex medical need requiring six or more months of medical treatment; or*

(F) *is assigned or attached to an Army Warrior Transition Unit, an Air Force Patient Squadron, a Navy Patient Multidisciplinary Care Team, or a Marine Patient Affairs Team / Wounded Warrior Regiment; and*

(4) *the term "nonappropriated fund instrumentality employee" means a civilian employee who—*

(A) *is a citizen of the United States; and*

(B) *is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.*

\* \* \* \* \*

**CHAPTER 81—ENERGY CONSERVATION AND RESOURCE RENEWAL**

**SUBCHAPTER III—ENERGY CONSERVATION AND RENEWABLE-RESOURCE ASSISTANCE FOR EXISTING BUILDINGS**

**PART A—WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS**

**§ 6862. Definitions**

As used in this part:

(1) \* \* \*

\* \* \* \* \*

(7) The term "low-income" means that income in relation to family size which (A) is at or below [150 percent] 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget, except that the Secretary may establish a higher level if the Secretary, after consulting with the Secretary of Agriculture and the Director of the Community Services Administration, determines that such a higher level is necessary to carry out the purposes of this part and is consistent with the eligibility criteria established for the weatherization program under section 2809(a)(12) of this title, (B) is the basis on which cash assistance payments have been paid during the preceding 12-month period under titles IV and XVI of the Social Security Act [42 U.S.C. 601 et seq., 1381 et seq.] or applicable State or local law, or (C) if a State elects, is the basis for eligibility for assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621), provided that such basis is at least [150 percent] 200 percent of the poverty level determined in accordance with criteria established by the Director of the Office of Management and Budget.

\* \* \* \* \*

**§ 6865. Limitations on financial assistance**

(a) \* \* \*

\* \* \* \* \*

**(c) Limitations on expenditures; exceptions; annual adjustments**

(1) Except as provided in paragraphs (3) and (4), the expenditure of financial assistance provided under this part for labor, weatherization materials, and related matters shall not exceed an average of [ \$2,500 ] \$5,000 per dwelling unit weatherized in that State. Labor, weatherization materials, and related matter includes, but is not limited to—

\* \* \* \* \*

**§ 6866. Monitoring and evaluation of funded projects; technical assistance; limitation on assistance**

The Secretary, in coordination with the Director, shall monitor and evaluate the operation of projects receiving financial assistance under this part through methods provided for in section 6867(a) of this title, through onsite inspections, or through other means, in order to assure the effective provision of weatherization assistance for the dwelling units of low-income persons. The Secretary shall also carry out periodic evaluations of the program authorized by this part and projects receiving financial assistance under this part. The Secretary may provide technical assistance to any such project, directly and through persons and entities with a demonstrated capacity in developing and implementing appropriate technology for enhancing the effectiveness of the provision of weatherization assistance to the dwelling units of low-income persons, utilizing in any fiscal year not to exceed [10 percent] up to 20 percent of the sums appropriated for such year under this part.

\* \* \* \* \*

**SOCIAL SECURITY ACT**

\* \* \* \* \*  
 SEC. 1.\* \* \*  
 \* \* \* \* \*

**PART C—ADMINISTRATIVE SIMPLIFICATION**

**DEFINITIONS**

**SEC. 1171. For purposes of this part:**

(1) **CODE SET.**—\* \* \*

\* \* \* \* \*

(5) **HEALTH PLAN.**—\* \* \*

(A)\* \* \*

\* \* \* \* \*

(D) Parts A, B, [or C] C, or D of the Medicare program under title XVIII.

\* \* \* \* \*

**GENERAL PENALTY FOR FAILURE TO COMPLY WITH REQUIREMENTS AND STANDARDS**

**SEC. 1176. (a) GENERAL PENALTY.**—

(1) **GENERAL.**—Except as provided in subsection (b), the Secretary shall impose on any person [who violates a provision of this part a penalty of not more than \$100 for each such violation, except that the total amount imposed on the person for all violations of an identical requirement or prohibition during a calendar year may not exceed \$25,000.] *who violates a provision of this part—*

*(A) in the case of a violation of such provision in which it is established that the person did not know (and by exercising reasonable diligence would not have known) that*

such person violated such provision, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(A) but not to exceed the amount described in paragraph (3)(D);

(B) in the case of a violation of such provision in which it is established that the violation was due to reasonable cause and not to willful neglect, a penalty for each such violation of an amount that is at least the amount described in paragraph (3)(B) but not to exceed the amount described in paragraph (3)(D); and

(C) in the case of a violation of such provision in which it is established that the violation was due to willful neglect—

(i) if the violation is corrected as described in subsection (b)(3)(A), a penalty in an amount that is at least the amount described in paragraph (3)(C) but not to exceed the amount described in paragraph (3)(D); and

(ii) if the violation is not corrected as described in such subsection, a penalty in an amount that is at least the amount described in paragraph (3)(D).

In determining the amount of a penalty under this section for a violation, the Secretary shall base such determination on the nature and extent of the violation and the nature and extent of the harm resulting from such violation.

(2) \* \* \*

(3) TIERS OF PENALTIES DESCRIBED.—For purposes of paragraph (1), with respect to a violation by a person of a provision of this part—

(A) the amount described in this subparagraph is \$100 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed \$25,000;

(B) the amount described in this subparagraph is \$1,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed \$100,000;

(C) the amount described in this subparagraph is \$10,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed \$250,000; and

(D) the amount described in this subparagraph is \$50,000 for each such violation, except that the total amount imposed on the person for all such violations of an identical requirement or prohibition during a calendar year may not exceed \$1,500,000.

(b) LIMITATIONS.—

(1) OFFENSES OTHERWISE PUNISHABLE.—[A penalty may not be imposed under subsection (a)] No penalty may be imposed under subsection (a) and no damages obtained under section (d) with respect to an act if [the act con-

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stitutes an offense punishable under section 1177] *a penalty has been imposed under section 1177 with respect to such act.*

[(2) NONCOMPLIANCE NOT DISCOVERED.—A penalty may not be imposed under section (a) with respect to a provision of this part if it is established to the satisfaction of the Secretary that the person liable for the penalty did not know, and be exercising reasonable diligence would not have known, that such person violated the provision.]

[(3) (2) FAILURES DUE TO REASONABLE CAUSE.—

(A) IN GENERAL.—Except as provided [in subparagraph (B), a penalty may not be imposed under subsection (a) if—

[(i) the failure to comply was due to reasonable cause and not to willful neglect; and

[(ii) the failure to comply is corrected] *in subparagraph (B) or subsection (a)(1)(C), [a penalty may not be imposed under subsection (a)] no penalty may be imposed under subsection (a) and no damages obtained under subsection (a) if the failure to comply is corrected during the 30-day period beginning on the first date the person liable for the penalty or damages knew, or by exercising reasonable diligence would have known, that the failure to comply occurred.*

(B) EXTENSION OF PERIOD.—

(i) NO PENALTY.—[The period] *With respect to the imposition of a penalty by the Secretary under subsection (a), the period referred to in subparagraph [(A)(iii)] (A) may be expended as determined appropriate by the Secretary based on the nature and extent of the failure to comply.*

(ii) ASSISTANCE.—If the Secretary determines that a person failed to comply because the person was unable to comply, the Secretary may provide technical assistance to the person during the period described in subparagraph [(A)(ii)] (A). Such assistance shall be provided in any manner determined appropriate by the Secretary.

[(4) (3) REDUCTION.—In the case of a failure to comply which is due to reasonable cause and not to willful neglect, any penalty under subsection (a) *and any damages under subsection (d)* that is not entirely waived under paragraph (3) may be waived to the extent that the payment of such penalty would be excessive relative to the compliance failure involved.

(c) NONCOMPLIANCE DUE TO WILLFUL NEGLIGENCE.—

(1) IN GENERAL.—*A violation of a provision of this part due to willful neglect is a violation for which the Secretary is required to impose a penalty under subsection (a)(1).*

(2) REQUIRED INVESTIGATION.—*For purposes of paragraph (1), the Secretary shall formally investigate any complaint of a violation of a provision of this part if a preliminary investiga-*

tion of the facts of the complaint indicate such a possible violation due to willful neglect.

**(d) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—**

**(1) CIVIL ACTION.—**Except as provided in subsection (b), in any case in which the attorney general of a State has reason to believe that an interest of one or more of the residents of that State has been or is threatened or adversely affected by any person who violates a provision of this part, the attorney general of the State, as *parens patriae*, may bring a civil action on behalf of such residents of the State in a district court of the United States of appropriate jurisdiction—

- (A) to enjoin further such violation by the defendant; or
- (B) to obtain damages on behalf of such residents of the State, in an amount equal to the amount determined under paragraph (2).

**(2) STATUTORY DAMAGES.—**

**(A) IN GENERAL.—**For purposes of paragraph (1)(B), the amount determined under this paragraph is the amount calculated by multiplying the number of violations by up to \$100. For purposes of the preceding sentence, in the case of a continuing violation, the number of violations shall be determined consistent with the HIPAA privacy regulations (as defined in section 1180(b)(3)) for violations of subsection (a).

**(B) LIMITATION.—**The total amount of damages imposed on the person for all violations of an identical requirement or prohibition during a calendar year may not exceed \$25,000.

**(C) REDUCTION OF DAMAGES.—**In assessing damages under subparagraph (A), the court may consider the factors the Secretary may consider in determining the amount of a civil money penalty under subsection (a) under the HIPAA privacy regulations.

**(3) ATTORNEY FEES.—**In the case of any successful action under paragraph (1), the court, in its discretion, may award the costs of the action and reasonable attorney fees to the State.

**(4) NOTICE TO SECRETARY.—**The State shall serve prior written notice of any action under paragraph (1) upon the Secretary and provide the Secretary with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action. The Secretary shall have the right—

- (A) to intervene in the action;
- (B) upon so intervening, to be heard on all matters arising therein; and
- (C) to file petitions for appeal.

**(5) CONSTRUCTION.—**For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State.

**(6) VENUE; SERVICE OF PROCESS.—**

**(A) VENUE.—**Any action brought under paragraph (1) may be brought in the district court of the United States

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*that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.*

*(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—*

*(i) is an inhabitant; or*

*(ii) maintains a physical place of business.*

*(7) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Secretary has instituted an action against a person under subsection (a) with respect to a specific violation of this part, no State attorney general may bring an action under this subsection against the person with respect to such violation during the pendency of that action.*

*(8) APPLICATION OF CMP STATUTE OF LIMITATION.—A civil action may not be instituted with respect to a violation of this part unless an action to impose a civil money penalty may be instituted under subsection (a) with respect to such violation consistent with the second sentence of section 1128A(c)(1).*

*(e) ALLOWING CONTINUED USE OF CORRECTIVE ACTION.—Nothing in this section shall be construed as preventing the Office of Civil Rights of the Department of Health and Human Services from continuing, in its discretion, to use corrective action without a penalty in cases where the person did not know (and by exercising reasonable diligence would not have known) of the violation involved.*

\* \* \* \* \*

**WRONGFUL DISCLOSURE OF INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION**

**SEC. 1177. (a) OFFENSE.—A person who knowingly and in violation of this part—**

**(1) \* \* \***

\* \* \* \* \*

**(3) disclosure individually identifiable health information to another person, shall be punished as provided in subsection (b).**

\* \* \* \* \*

*For purposes of the previous sentence, a person (including an employee or other individual) shall be considered to have obtained or disclosed individually identifiable health information in violation of this part if the information is maintained by a covered entity (as defined in the HIPAA privacy regulation described in section 1180(b)(3)) and the individual obtained or disclosed such information without authorization.*

\* \* \* \* \*

**PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978  
TITLE I—RETAIL REGULATORY POLICIES FOR ELECTRIC UTILITIES**

\* \* \* \* \*

SEC. 112. OBLIGATIONS TO CONSIDER AND DETERMINE.

(a) \* \* \*

\* \* \* \* \*

(b) TIME LIMITATIONS.—(1) \* \* \*

(2) \* \* \*

\* \* \* \* \*

(6)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs [(17) through (18)] (16) through (19) of section 111(d).

(B) Not later than 2 years after the date of the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs [(17) through (18)] (16) through (19) of section 111(d).

\* \* \* \* \*

(d) PRIOR STATE ACTIONS.—Subsections (b) and (c) of this section shall not apply to the standards established by paragraphs (11) through (13) and paragraphs [(17) through (18)] (16) through (19) of section 111(d) in the case of any electric utility in a State if, before the enactment of this subsection—

\* \* \* \* \*

PUBLIC SERVICE ACT

\* \* \* \* \*

TITLE XXIX—LIFESPAN RESPITE CARE

\* \* \* \* \*

SEC. 2905. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title—

(1) \$30,000,000 for fiscal year 2007;

(2) \* \* \*

\* \* \* \* \*

TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

SEC. 3000. DEFINITIONS.

In this title:

(1) CERTIFIED EHR TECHNOLOGY.—The term “certified EHR technology” means a qualified electronic health record and that is certified pursuant to section 3001(c)(5) as meeting standards

adopted under section 3004 that are applicable to the type of record involved (as determined by the Secretary, such as an ambulatory electronic health record for office-based physicians or an inpatient hospital electronic health record for hospitals).

(2) **ENTERPRISE INTEGRATION.**—The term “enterprise integration” means the electronic linkage of health care providers, health plans, the government, and other interested parties, to enable the electronic exchange and use of health information among all the components in the health care infrastructure in accordance with applicable law, and such term includes related application protocols and other related standards.

(3) **HEALTH CARE PROVIDER.**—The term “health care provider” means a hospital, skilled nursing facility, nursing facility, home health entity, or other long-term care facility, health care clinic, Federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as described in section 1842(b)(18)(C) of the Social Security Act), a provider operated by, or under contract with, the Indian Health Service or by an Indian tribe (as defined in the Indian Self-Determination and Education Assistance Act), tribal organization, or urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act), a rural health clinic, a covered entity under section 340B, and any other category of facility or clinician determined appropriate by the Secretary.

(4) **HEALTH INFORMATION.**—The term “health information” has the meaning given such term in section 1171(4) of the Social Security Act.

(5) **HEALTH INFORMATION TECHNOLOGY.**—The term “health information technology” means hardware, software, integrated technologies and related licenses, intellectual property, upgrades, and packaged solutions sold as services for use by health care entities for the electronic creation, maintenance, or exchange of health information.

(6) **HEALTH PLAN.**—The term “health plan” has the meaning given such term in section 1171(5) of the Social Security Act.

(7) **HIT POLICY COMMITTEE.**—The term “HIT Policy Committee” means such Committee established under section 3002(a).

(8) **HIT STANDARDS COMMITTEE.**—The term “HIT Standards Committee” means such Committee established under section 3003(a).

(9) **INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.**—The term “individually identifiable health information” has the meaning given such term in section 1171(6) of the Social Security Act.

(10) **LABORATORY.**—The term “laboratory” has the meaning given such term in section 353(a).

(11) **NATIONAL COORDINATOR.**—The term “National Coordinator” means the head of the Office of the National Coordinator for Health Information Technology established under section 3001(a).

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(7) improves public health activities and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

(8) facilitates health and clinical research and health care quality;

(9) promotes early detection, prevention, and management of chronic diseases;

(10) promotes a more effective marketplace, greater competition, greater systems analysis, increased consumer choice, and improved outcomes in health care services; and

(11) improves efforts to reduce health disparities.

(c) **DUTIES OF THE NATIONAL COORDINATOR.—**

(1) **STANDARDS.—**The National Coordinator shall review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004. The Coordinator shall make such determination, and report to the Secretary such determination, not later than 45 days after the date the recommendation is received by the Coordinator.

(2) **HIT POLICY COORDINATION.—**

(A) **IN GENERAL.—**The National Coordinator shall coordinate health information technology policy and programs of the Department with those of other relevant executive branch agencies with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes health information technology activities primarily within the areas of its greatest expertise and technical capability and in a manner towards a coordinated national goal.

(B) **HIT POLICY AND STANDARDS COMMITTEES.—**The National Coordinator shall be a leading member in the establishment and operations of the HIT Policy Committee and the HIT Standards Committee and shall serve as a liaison among those two Committees and the Federal Government.

(3) **STRATEGIC PLAN.—**

(A) **IN GENERAL.—**The National Coordinator shall, in consultation with other appropriate Federal agencies (including the National Institute of Standards and Technology), update the Federal Health IT Strategic Plan (developed as of June 3, 2008) to include specific objectives, milestones, and metrics with respect to the following:

(i) The electronic exchange and use of health information and the enterprise integration of such information.

(ii) The utilization of an electronic health record for each person in the United States by 2014.

(iii) The incorporation of privacy and security protections for the electronic exchange of an individual's individually identifiable health information.

(iv) *Ensuring security methods to ensure appropriate authorization and electronic authentication of health information and specifying technologies or methodologies for rendering health information unusable, unreadable, or indecipherable.*

(v) *Specifying a framework for coordination and flow of recommendations and policies under this subtitle among the Secretary, the National Coordinator, the HIT Policy Committee, the HIT Standards Committee, and other health information exchanges and other relevant entities.*

(vi) *Methods to foster the public understanding of health information technology.*

(vii) *Strategies to enhance the use of health information technology in improving the quality of health care, reducing medical errors, reducing health disparities, improving public health, increasing prevention and coordination with community resources, and improving the continuity of care among health care settings.*

(viii) *Specific plans for ensuring that populations with unique needs, such as children, are appropriately addressed in the technology design, as appropriate, which may include technology that automates enrollment and retention for eligible individuals.*

(B) *COLLABORATION.—The strategic plan shall be updated through collaboration of public and private entities.*

(C) *MEASURABLE OUTCOME GOALS.—The strategic plan update shall include measurable outcome goals.*

(D) *PUBLICATION.—The National Coordinator shall republish the strategic plan, including all updates.*

(4) *WEBSITE.—The National Coordinator shall maintain and frequently update an Internet website on which there is posted information on the work, schedules, reports, recommendations, and other information to ensure transparency in promotion of a nationwide health information technology infrastructure.*

(5) *CERTIFICATION.—*

(A) *IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall develop a program (either directly or by contract) for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include testing of the technology in accordance with section 14201(b) of the Health Information Technology for Economic and Clinical Health Act.*

(B) *CERTIFICATION CRITERIA DESCRIBED.—In this title, the term ‘certification criteria’ means, with respect to standards and implementation specifications for health information technology, criteria to establish that the technology meets such standards and implementation specifications.*

(6) *REPORTS AND PUBLICATIONS.—*

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(A) **REPORT ON ADDITIONAL FUNDING OR AUTHORITY NEEDED.**—Not later than 12 months after the date of the enactment of this title, the National Coordinator shall submit to the appropriate committees of jurisdiction of the House of Representatives and the Senate a report on any additional funding or authority the Coordinator or the HIT Policy Committee or HIT Standards Committee requires to evaluate and develop standards, implementation specifications, and certification criteria, or to achieve full participation of stakeholders in the adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

(B) **IMPLEMENTATION REPORT.**—The National Coordinator shall prepare a report that identifies lessons learned from major public and private health care systems in their implementation of health information technology, including information on whether the technologies and practices developed by such systems may be applicable to and usable in whole or in part by other health care providers.

(C) **ASSESSMENT OF IMPACT OF HIT ON COMMUNITIES WITH HEALTH DISPARITIES AND UNINSURED, UNDERINSURED, AND MEDICALLY UNDERSERVED AREAS.**—The National Coordinator shall assess and publish the impact of health information technology in communities with health disparities and in areas with a high proportion of individuals who are uninsured, underinsured, and medically underserved individuals (including urban and rural areas) and identify practices to increase the adoption of such technology by health care providers in such communities, and the use of health information technology to reduce and better manage chronic diseases.

(D) **EVALUATION OF BENEFITS AND COSTS OF THE ELECTRONIC USE AND EXCHANGE OF HEALTH INFORMATION.**—The National Coordinator shall evaluate and publish evidence on the benefits and costs of the electronic use and exchange of health information and assess to whom these benefits and costs accrue.

(E) **RESOURCE REQUIREMENTS.**—The National Coordinator shall estimate and publish resources required annually to reach the goal of utilization of an electronic health record for each person in the United States by 2014, including the required level of Federal funding, expectations for regional, State, and private investment, and the expected contributions by volunteers to activities for the utilization of such records.

(7) **ASSISTANCE.**—The National Coordinator may provide financial assistance to consumer advocacy groups and not-for-profit entities that work in the public interest for purposes of defraying the cost to such groups and entities to participate under, whether in whole or in part, the National Technology Transfer Act of 1995 (15 U.S.C. 272 note).

(8) **GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.**—The National Coordinator shall establish a govern-

ance mechanism for the nationwide health information network.

**(d) DETAIL OF FEDERAL EMPLOYEES.—**

(1) **IN GENERAL.**—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

(2) **EFFECT OF DETAIL.**—Any detail of personnel under paragraph (1) shall—

(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

(B) be in addition to any other staff of the Department employed by the National Coordinator.

(3) **ACCEPTANCE OF DETAILEES.**—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

**(e) CHIEF PRIVACY OFFICER OF THE OFFICE OF THE NATIONAL COORDINATOR.**—Not later than 12 months after the date of the enactment of this title, the Secretary shall appoint a Chief Privacy Officer of the Office of the National Coordinator, whose duty it shall be to advise the National Coordinator on privacy, security, and data stewardship of electronic health information and to coordinate with other Federal agencies (and similar privacy officers in such agencies), with State and regional efforts, and with foreign countries with regard to the privacy, security, and data stewardship of electronic individually identifiable health information.

**SEC. 3002. HIT POLICY COMMITTEE.**

**(a) ESTABLISHMENT.**—There is established a HIT Policy Committee to make policy recommendations to the National Coordinator relating to the implementation of a nationwide health information technology infrastructure, including implementation of the strategic plan described in section 3001(c)(3).

**(b) DUTIES.—**

(1) **RECOMMENDATIONS ON HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.**—The HIT Policy Committee shall recommend a policy framework for the development and adoption of a nationwide health information technology infrastructure that permits the electronic exchange and use of health information as is consistent with the strategic plan under section 3001(c)(3) and that includes the recommendations under paragraph (2). The Committee shall update such recommendations and make new recommendations as appropriate.

**(2) SPECIFIC AREAS OF STANDARD DEVELOPMENT.—**

**(A) IN GENERAL.**—The HIT Policy Committee shall recommend the areas in which standards, implementation specifications, and certification criteria are needed for the electronic exchange and use of health information for purposes of adoption under section 3004 and shall recommend an order of priority for the development, harmonization, and recognition of such standards, specifications, and certification criteria among the areas so recommended. Such standards and implementation specifications shall include

*named standards, architectures, and software schemes for the authentication and security of individually identifiable health information and other information as needed to ensure the reproducible development of common solutions across disparate entities.*

**(B) AREAS REQUIRED FOR CONSIDERATION.**—*For purposes of subparagraph (A), the HIT Policy Committee shall make recommendations for at least the following areas:*

*(i) Technologies that protect the privacy of health information and promote security in a qualified electronic health record, including for the segmentation and protection from disclosure of specific and sensitive individually identifiable health information with the goal of minimizing the reluctance of patients to seek care (or disclose information about a condition) because of privacy concerns, in accordance with applicable law, and for the use and disclosure of limited data sets of such information.*

*(ii) A nationwide health information technology infrastructure that allows for the electronic use and accurate exchange of health information.*

*(iii) The utilization of a certified electronic health record for each person in the United States by 2014.*

*(iv) Technologies that as a part of a qualified electronic health record allow for an accounting of disclosures made by a covered entity (as defined for purposes of regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996) for purposes of treatment, payment, and health care operations (as such terms are defined for purposes of such regulations).*

*(v) The use of certified electronic health records to improve the quality of health care, such as by promoting the coordination of health care and improving continuity of health care among health care providers, by reducing medical errors, by improving population health, reducing chronic disease, and by advancing research and education.*

**(C) OTHER AREAS FOR CONSIDERATION.**—*In making recommendations under subparagraph (A), the HIT Policy Committee may consider the following additional areas:*

*(i) The appropriate uses of a nationwide health information infrastructure, including for purposes of—*

*(I) the collection of quality data and public reporting;*

*(II) biosurveillance and public health;*

*(III) medical and clinical research; and*

*(IV) drug safety.*

*(ii) Self-service technologies that facilitate the use and exchange of patient information and reduce wait times.*

*(iii) Telemedicine technologies, in order to reduce travel requirements for patients in remote areas.*

(iv) *Technologies that facilitate home health care and the monitoring of patients recuperating at home.*

(v) *Technologies that help reduce medical errors.*

(vi) *Technologies that facilitate the continuity of care among health settings.*

(vii) *Technologies that meet the needs of diverse populations.*

(viii) *Technologies and design features that address the needs of children and other vulnerable populations.*

(ix) *Any other technology that the HIT Policy Committee finds to be among the technologies with the greatest potential to improve the quality and efficiency of health care.*

(3) **FORUM.**—*The HIT Policy Committee shall serve as a forum for broad stakeholder input with specific expertise in policies relating to the matters described in paragraphs (1) and (2).*

(c) **MEMBERSHIP AND OPERATIONS.**—

(1) **IN GENERAL.**—*The National Coordinator shall provide leadership in the establishment and operations of the HIT Policy Committee.*

(2) **MEMBERSHIP.**—*The membership of the HIT Policy Committee shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.*

(3) **CONSIDERATION.**—*The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.*

(d) **APPLICATION OF FACÄ.**—*The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14 of such Act, shall apply to the HIT Policy Committee.*

(e) **PUBLICATION.**—*The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all policy recommendations made by the HIT Policy Committee under this section.*

**SEC. 3003. HIT STANDARDS COMMITTEE.**

(a) **ESTABLISHMENT.**—*There is established a committee to be known as the HIT Standards Committee to recommend to the National Coordinator standards, implementation specifications, and certification criteria for the electronic exchange and use of health information for purposes of adoption under section 3004, consistent with the implementation of the strategic plan described in section 3001(c)(3) and beginning with the areas listed in section 3002(b)(2)(B) in accordance with policies developed by the HIT Policy Committee.*

(b) **DUTIES.**—

(1) **STANDARD DEVELOPMENT.**—

(A) **IN GENERAL.**—*The HIT Standards Committee shall recommend to the National Coordinator standards, imple-*

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mentation specifications, and certification criteria described in subsection (a) that have been developed, harmonized, or recognized by the HIT Standards Committee. The HIT Standards Committee shall update such recommendations and make new recommendations as appropriate, including in response to a notification sent under section 3004(b)(2). Such recommendations shall be consistent with the latest recommendations made by the HIT Policy Committee.

(B) **PILOT TESTING OF STANDARDS AND IMPLEMENTATION SPECIFICATIONS.**—In the development, harmonization, or recognition of standards and implementation specifications, the HIT Standards Committee shall, as appropriate, provide for the testing of such standards and specifications by the National Institute for Standards and Technology under section 14201 of the Health Information Technology for Economic and Clinical Health Act.

(C) **CONSISTENCY.**—The standards, implementation specifications, and certification criteria recommended under this subsection shall be consistent with the standards for information transactions and data elements adopted pursuant to section 1173 of the Social Security Act.

(2) **FORUM.**—The HIT Standards Committee shall serve as a forum for the participation of a broad range of stakeholders to provide input on the development, harmonization, and recognition of standards, implementation specifications, and certification criteria necessary for the development and adoption of a nationwide health information technology infrastructure that allows for the electronic use and exchange of health information.

(3) **SCHEDULE.**—Not later than 90 days after the date of the enactment of this title, the HIT Standards Committee shall develop a schedule for the assessment of policy recommendations developed by the HIT Policy Committee under section 3002. The HIT Standards Committee shall update such schedule annually. The Secretary shall publish such schedule in the Federal Register.

(4) **PUBLIC INPUT.**—The HIT Standards Committee shall conduct open public meetings and develop a process to allow for public comment on the schedule described in paragraph (3) and recommendations described in this subsection. Under such process comments shall be submitted in a timely manner after the date of publication of a recommendation under this subsection.

(c) **MEMBERSHIP AND OPERATIONS.**—

(1) **IN GENERAL.**—The National Coordinator shall provide leadership in the establishment and operations of the HIT Standards Committee.

(2) **MEMBERSHIP.**—The membership of the HIT Standards Committee shall at least reflect providers, ancillary healthcare workers, consumers, purchasers, health plans, technology vendors, researchers, relevant Federal agencies, and individuals with technical expertise on health care quality, privacy and security, and on the electronic exchange and use of health information.

(3) *CONSIDERATION.*—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.

(4) *ASSISTANCE.*—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

(d) *APPLICATION OF FACCA.*—The Federal Advisory Committee Act (5 U.S.C. App.), other than section 14, shall apply to the HIT Standards Committee.

(e) *PUBLICATION.*—The Secretary shall provide for publication in the Federal Register and the posting on the Internet website of the Office of the National Coordinator for Health Information Technology of all recommendations made by the HIT Standards Committee under this section.

**SEC. 3004. PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS; ADOPTION OF INITIAL SET OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.**

(a) *PROCESS FOR ADOPTION OF ENDORSED RECOMMENDATIONS.*—

(1) *REVIEW OF ENDORSED STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.*—Not later than 90 days after the date of receipt of standards, implementation specifications, or certification criteria endorsed under section 3001(c), the Secretary, in consultation with representatives of other relevant Federal agencies, shall jointly review such standards, implementation specifications, or certification criteria and shall determine whether or not to propose adoption of such standards, implementation specifications, or certification criteria.

(2) *DETERMINATION TO ADOPT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.*—If the Secretary determines—

(A) to propose adoption of any grouping of such standards, implementation specifications, or certification criteria, the Secretary shall, by regulation, determine whether or not to adopt such grouping of standards, implementation specifications, or certification criteria; or

(B) not to propose adoption of any grouping of standards, implementation specifications, or certification criteria, the Secretary shall notify the National Coordinator and the HIT Standards Committee in writing of such determination and the reasons for not proposing the adoption of such recommendation.

(3) *PUBLICATION.*—The Secretary shall provide for publication in the Federal Register of all determinations made by the Secretary under paragraph (1).

(b) *ADOPTION OF INITIAL SET OF STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.*—

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(1) *IN GENERAL.*—Not later than December 31, 2009, the Secretary shall, through the rulemaking process described in section 3003, adopt an initial set of standards, implementation specifications, and certification criteria for the areas required for consideration under section 3002(b)(2)(B).

(2) *APPLICATION OF CURRENT STANDARDS, IMPLEMENTATION SPECIFICATIONS, AND CERTIFICATION CRITERIA.*—The standards, implementation specifications, and certification criteria adopted before the date of the enactment of this title through the process existing through the Office of the National Coordinator for Health Information Technology may be applied towards meeting the requirement of paragraph (1).

**SEC. 3005. APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY FEDERAL AGENCIES.**

For requirements relating to the application and use by Federal agencies of the standards and implementation specifications adopted under section 3004, see section 14111 of the Health Information Technology for Economic and Clinical Health Act.

**SEC. 3006. VOLUNTARY APPLICATION AND USE OF ADOPTED STANDARDS AND IMPLEMENTATION SPECIFICATIONS BY PRIVATE ENTITIES.**

(a) *IN GENERAL.*—Except as provided under section 14112 of the Health Information Technology for Economic and Clinical Health Act, any standard or implementation specification adopted under section 3004 shall be voluntary with respect to private entities.

(b) *RULE OF CONSTRUCTION.*—Nothing in this subtitle shall be construed to require that a private entity that enters into a contract with the Federal Government apply or use the standards and implementation specifications adopted under section 3004 with respect to activities not related to the contract.

**SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.**

(a) *IN GENERAL.*—The National Coordinator shall support the development, routine updating and provision of qualified EHR technology (as defined in section 3000) consistent with subsections (b) and (c) unless the Secretary determines that the needs and demands of providers are being substantially and adequately met through the marketplace.

(b) *CERTIFICATION.*—In making such EHR technology publicly available, the National Coordinator shall ensure that the qualified EHR technology described in subsection (a) is certified under the program developed under section 3001(c)(3) to be in compliance with applicable standards adopted under section 3003(a).

(c) *AUTHORIZATION TO CHARGE A NOMINAL FEE.*—The National Coordinator may impose a nominal fee for the adoption by a health care provider of the health information technology system developed or approved under subsection (a) and (b). Such fee shall take into account the financial circumstances of smaller providers, low income providers, and providers located in rural or other medically underserved areas.

(d) *RULE OF CONSTRUCTION.*—Nothing in this section shall be construed to require that a private or government entity adopt or use the technology provided under this section.

**SEC. 3008. TRANSITIONS.**

(a) **ONCHIT.**—To the extent consistent with section 3001, all functions, personnel, assets, liabilities, and administrative actions applicable to the National Coordinator for Health Information Technology appointed under Executive Order 13335 or the Office of such National Coordinator on the date before the date of the enactment of this title shall be transferred to the National Coordinator appointed under section 3001(a) and the Office of such National Coordinator as of the date of the enactment of this title.

(b) **AHIC.**—

(1) To the extent consistent with sections 3002 and 3003, all functions, personnel, assets, and liabilities applicable to the AHIC Successor, Inc. doing business as the National eHealth Collaborative as of the day before the date of the enactment of this title shall be transferred to the HIT Policy Committee or the HIT Standards Committee, established under section 3002(a) or 3003(a), as appropriate, as of the date of the enactment of this title.

(2) In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.

(c) **RULES OF CONSTRUCTION.**—

(1) **ONCHIT.**—Nothing in section 3001 or subsection (a) shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

(2) **AHIC.**—Nothing in sections 3002 or 3003 or subsection (b) shall be construed as prohibiting the AHIC Successor, Inc. doing business as the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with section 3002 and 3003 in a manner that would permit the Secretary to choose to recognize such AHIC Successor, Inc. as the HIT Policy Committee or the HIT Standards Committee.

**SEC. 3009. RELATION TO HIPAA PRIVACY AND SECURITY LAW.**

(a) **IN GENERAL.**—With respect to the relation of this title to HIPAA privacy and security law:

(1) This title may not be construed as having any effect on the authorities of the Secretary under HIPAA privacy and security law.

(2) The purposes of this title include ensuring that the health information technology standards and implementation specifications adopted under section 3004 take into account the requirements of HIPAA privacy and security law.

(b) **DEFINITION.**—For purposes of this section, the term ‘HIPAA privacy and security law’ means—

(1) the provisions of part C of title XI of the Social Security Act, section 264 of the Health Insurance Portability and Accountability Act of 1996, and subtitle D of the Health Information Technology for Economic and Clinical Health Act; and

(2) regulations under such provisions.

**Subtitle B—Incentives for the Use of Health Information Technology**

**SEC. 3011. IMMEDIATE FUNDING TO STRENGTHEN THE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.**

(a) *IN GENERAL.*—The Secretary of Health and Human Services shall, using amounts appropriated under section 3018, invest in the infrastructure necessary to allow for and promote the electronic exchange and use of health information for each individual in the United States consistent with the goals outlined in the strategic plan developed by the National Coordinator (and, as available) under section 3001. To the greatest extent practicable, the Secretary shall ensure that any funds so appropriated shall be used for the acquisition of health information technology that meets standards and certification criteria adopted before the date of the enactment of this title until such date as the standards are adopted under section 3004. The Secretary shall invest funds through the different agencies with expertise in such goals, such as the Office of the National Coordinator for Health Information Technology, the Health Resources and Services Administration, the Agency for Healthcare Research and Quality, the Centers of Medicare & Medicaid Services, the Centers for Disease Control and Prevention, and the Indian Health Service to support the following:

(1) Health information technology architecture that will support the nationwide electronic exchange and use of health information in a secure, private, and accurate manner, including connecting health information exchanges, and which may include updating and implementing the infrastructure necessary within different agencies of the Department of Health and Human Services to support the electronic use and exchange of health information.

(2) Development and adoption of appropriate certified electronic health records for categories of providers not eligible for support under title XVIII or XIX of the Social Security Act for the adoption of such records.

(3) Training on and dissemination of information on best practices to integrate health information technology, including electronic health records, into a provider's delivery of care, consistent with best practices learned from the Health Information Technology Research Center developed under section 302, including community health centers receiving assistance under section 330 of the Public Health Service Act, covered entities under section 340B of such Act, and providers participating in one or more of the programs under titles XVIII, XIX, and XXI of the Social Security Act (relating to Medicare, Medicaid, and the State Children's Health Insurance Program).

(4) Infrastructure and tools for the promotion of telemedicine, including coordination among Federal agencies in the promotion of telemedicine.

(5) Promotion of the interoperability of clinical data repositories or registries.

(6) Promotion of technologies and best practices that enhance the protection of health information by all holders of individually identifiable health information.

(7) Improve and expand the use of health information technology by public health departments.

(8) Provide \$300,000,000 to support regional or sub-national efforts towards health information exchange.

(b) COORDINATION.—The Secretary shall ensure funds under this section are used in a coordinated manner with other health information promotion activities.

(c) ADDITIONAL USE OF FUNDS.—In addition to using funds as provided in subsection (a), the Secretary may use amounts appropriated under section 3018 to carry out activities that are provided for under laws in effect on the date of enactment of this title.

**SEC. 3012. HEALTH INFORMATION TECHNOLOGY IMPLEMENTATION ASSISTANCE.**

(a) HEALTH INFORMATION TECHNOLOGY EXTENSION PROGRAM.—To assist health care providers to adopt, implement, and effectively use certified EHR technology that allows for the electronic exchange and use of health information, the Secretary, acting through the Office of the National Coordinator, shall establish a health information technology extension program to provide health information technology assistance services to be carried out through the Department of Health and Human Services. The National Coordinator shall consult with other Federal agencies with demonstrated experience and expertise in information technology services, such as the National Institute of Standards and Technology, in developing and implementing this program.

(b) HEALTH INFORMATION TECHNOLOGY RESEARCH CENTER.—

(1) IN GENERAL.—The Secretary shall create a Health Information Technology Research Center (in this section referred to as the "Center") to provide technical assistance and develop or recognize best practices to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004(b).

(2) INPUT.—The Center shall incorporate input from—

(A) other Federal agencies with demonstrated experience and expertise in information technology services such as the National Institute of Standards and Technology;

(B) users of health information technology, such as providers and their support and clerical staff and others involved in the care and care coordination of patients, from the health care and health information technology industry; and

(C) others as appropriate.

(3) PURPOSES.—The purposes of the Center are to—

(A) provide a forum for the exchange of knowledge and experience;

(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology that allows for the electronic exchange and use of information including through the regional centers described in subsection (c);

(D) provide technical assistance for the establishment and evaluation of regional and local health information networks to facilitate the electronic exchange of information across health care settings and improve the quality of health care;

(E) provide technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information; and

(F) learn about effective strategies to adopt and utilize health information technology in medically underserved communities.

**(c) HEALTH INFORMATION TECHNOLOGY REGIONAL EXTENSION CENTERS.—**

(1) **IN GENERAL.**—The Secretary shall provide assistance for the creation and support of regional centers (in this subsection referred to as “regional centers”) to provide technical assistance and disseminate best practices and other information learned from the Center to support and accelerate efforts to adopt, implement, and effectively utilize health information technology that allows for the electronic exchange and use of information in compliance with standards, implementation specifications, and certification criteria adopted under section 3004. Activities conducted under this subsection shall be consistent with the strategic plan developed by the National Coordinator (and, as available) under section 3001.

(2) **AFFILIATION.**—Regional centers shall be affiliated with any US-based nonprofit institution or organization, or group thereof, that applies and is awarded financial assistance under this section. Individual awards shall be decided on the basis of merit.

(3) **OBJECTIVE.**—The objective of the regional centers is to enhance and promote the adoption of health information technology through—

(A) assistance with the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to healthcare providers nationwide;

(B) broad participation of individuals from industry, universities, and State governments;

(C) active dissemination of best practices and research on the implementation, effective use, upgrading, and ongoing maintenance of health information technology, including electronic health records, to health care providers in order to improve the quality of healthcare and protect the privacy and security of health information;

(D) participation, to the extent practicable, in health information exchanges;

(E) utilization, when appropriate, of the expertise and capability that exists in federal agencies other than the Department; and

(F) integration of health information technology, including electronic health records, into the initial and ongoing training of health professionals and others in the healthcare industry that would be instrumental to improving the quality of healthcare through the smooth and accurate electronic use and exchange of health information.

(4) REGIONAL ASSISTANCE.—Each regional center shall aim to provide assistance and education to all providers in a region, but shall prioritize any direct assistance first to the following:

(A) Public or not-for-profit hospitals or critical access hospitals.

(B) Federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act).

(C) Entities that are located in rural and other areas that serve uninsured, underinsured, and medically underserved individuals (regardless of whether such area is urban or rural).

(D) Individual or small group practices (or a consortium thereof) that are primarily focused on primary care.

(5) FINANCIAL SUPPORT.—The Secretary may provide financial support to any regional center created under this subsection for a period not to exceed four years. The Secretary may not provide more than 50 percent of the capital and annual operating and maintenance funds required to create and maintain such a center, except in an instance of national economic conditions which would render this cost-share requirement detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

(6) NOTICE OF PROGRAM DESCRIPTION AND AVAILABILITY OF FUNDS.—The Secretary shall publish in the Federal Register, not later than 90 days after the date of the enactment of this Act, a draft description of the program for establishing regional centers under this subsection. Such description shall include the following:

(A) A detailed explanation of the program and the programs goals.

(B) Procedures to be followed by the applicants.

(C) Criteria for determining qualified applicants.

(D) Maximum support levels expected to be available to centers under the program.

(7) APPLICATION REVIEW.—The Secretary shall subject each application under this subsection to merit review. In making a decision whether to approve such application and provide financial support, the Secretary shall consider at a minimum the merits of the application, including those portions of the application regarding—

(A) the ability of the applicant to provide assistance under this subsection and utilization of health information technology appropriate to the needs of particular categories of health care providers;

(B) the types of service to be provided to health care providers;

(C) geographical diversity and extent of service area; and

(D) the percentage of funding and amount of in-kind commitment from other sources.

(8) **BIENNIAL EVALUATION.**—Each regional center which receives financial assistance under this subsection shall be evaluated biennially by an evaluation panel appointed by the Secretary. Each evaluation panel shall be composed of private experts, none of whom shall be connected with the center involved, and of Federal officials. Each evaluation panel shall measure the involved center's performance against the objective specified in paragraph (3). The Secretary shall not continue to provide funding to a regional center unless its evaluation is overall positive.

(9) **CONTINUING SUPPORT.**—After the second year of assistance under this subsection a regional center may receive additional support under this subsection if it has received positive evaluations and a finding by the Secretary that continuation of Federal funding to the center was in the best interest of provision of health information technology extension services.

**SEC. 3013. STATE GRANTS TO PROMOTE HEALTH INFORMATION TECHNOLOGY.**

(a) **IN GENERAL.**—The Secretary, acting through the National Coordinator, shall establish a program in accordance with this section to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards.

(b) **PLANNING GRANTS.**—The Secretary may award a grant to a State or qualified State-designated entity (as described in subsection (d)) that submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, for the purpose of planning activities described in subsection (b).

(c) **IMPLEMENTATION GRANTS.**—The Secretary may award a grant to a State or qualified State designated entity that—

(1) has submitted, and the Secretary has approved, a plan described in subsection (c) (regardless of whether such plan was prepared using amounts awarded under paragraph (1)); and

(2) submits an application at such time, in such manner, and containing such information as the Secretary may specify.

(d) **USE OF FUNDS.**—Amounts received under a grant under subsection (a)(3) shall be used to conduct activities to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards through activities that include—

(1) enhancing broad and varied participation in the authorized and secure nationwide electronic use and exchange of health information;

(2) identifying State or local resources available towards a nationwide effort to promote health information technology;

(3) complementing other Federal grants, programs, and efforts towards the promotion of health information technology;

(4) providing technical assistance for the development and dissemination of solutions to barriers to the exchange of electronic health information;

(5) promoting effective strategies to adopt and utilize health information technology in medically underserved communities;

(6) assisting patients in utilizing health information technology;

(7) encouraging clinicians to work with Health Information Technology Regional Extension Centers as described in section 3012, to the extent they are available and valuable;

(8) supporting public health agencies' authorized use of and access to electronic health information;

(9) promoting the use of electronic health records for quality improvement including through quality measures reporting; and

(10) such other activities as the Secretary may specify.

(e) **PLAN.**—

(1) **IN GENERAL.**—A plan described in this subsection is a plan that describes the activities to be carried out by a State or by the qualified State-designated entity within such State to facilitate and expand the electronic movement and use of health information among organizations according to nationally recognized standards and implementation specifications.

(2) **REQUIRED ELEMENTS.**—A plan described in paragraph (1) shall—

(A) be pursued in the public interest;

(B) be consistent with the strategic plan developed by the National Coordinator (and, as available) under section 3001;

(C) include a description of the ways the State or qualified State-designated entity will carry out the activities described in subsection (b); and

(D) contain such elements as the Secretary may require.

(f) **QUALIFIED STATE-DESIGNATED ENTITY.**—For purposes of this section, to be a qualified State-designated entity, with respect to a State, an entity shall—

(1) be designated by the State as eligible to receive awards under this section;

(2) be a not-for-profit entity with broad stakeholder representation on its governing board;

(3) demonstrate that one of its principal goals is to use information technology to improve health care quality and efficiency through the authorized and secure electronic exchange and use of health information;

(4) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation by stakeholders; and

(5) conform to such other requirements as the Secretary may establish.

(g) **REQUIRED CONSULTATION.**—In carrying out activities described in subsections (a)(2) and (a)(3), a State or qualified State-designated entity shall consult with and consider the recommendations of—

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- (1) health care providers (including providers that provide services to low income and underserved populations);
- (2) health plans;
- (3) patient or consumer organizations that represent the population to be served;
- (4) health information technology vendors;
- (5) health care purchasers and employers;
- (6) public health agencies;
- (7) health professions schools, universities and colleges;
- (8) clinical researchers;
- (9) other users of health information technology such as the support and clerical staff of providers and others involved in the care and care coordination of patients; and
- (10) such other entities, as may be determined appropriate by the Secretary.

(h) **CONTINUOUS IMPROVEMENT.**—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants under this section, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will lead towards the greatest improvement in quality of care, decrease in costs, and the most effective authorized and secure electronic exchange of health information.

(i) **REQUIRED MATCH.**—

(1) **IN GENERAL.**—For a fiscal year (beginning with fiscal year 2011), the Secretary may not make a grant under subsection (a) to a State unless the State agrees to make available non-Federal contributions (which may include in-kind contributions) toward the costs of a grant awarded under subsection (a)(3) in an amount equal to—

(A) for fiscal year 2011, not less than \$1 for each \$10 of Federal funds provided under the grant;

(B) for fiscal year 2012, not less than \$1 for each \$7 of Federal funds provided under the grant; and

(C) for fiscal year 2013 and each subsequent fiscal year, not less than \$1 for each \$3 of Federal funds provided under the grant.

(2) **AUTHORITY TO REQUIRE STATE MATCH FOR FISCAL YEARS BEFORE FISCAL YEAR 2011.**—For any fiscal year during the grant program under this section before fiscal year 2011, the Secretary may determine the extent to which there shall be required a non-Federal contribution from a State receiving a grant under this section.

## **SEC. 3014. COMPETITIVE GRANTS TO STATES AND INDIAN TRIBES FOR THE DEVELOPMENT OF LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF CERTIFIED EHR TECHNOLOGY.**

(a) **IN GENERAL.**—The National Coordinator may award competitive grants to eligible entities for the establishment of programs for loans to health care providers to conduct the activities described in subsection (e).

(b) **ELIGIBLE ENTITY DEFINED.**—For purposes of this subsection, the term “eligible entity” means a State or Indian tribe (as defined

in the Indian Self-Determination and Education Assistance Act) that—

(1) submits to the National Coordinator an application at such time, in such manner, and containing such information as the National Coordinator may require;

(2) submits to the National Coordinator a strategic plan in accordance with subsection (d) and provides to the National Coordinator assurances that the entity will update such plan annually in accordance with such subsection;

(3) provides assurances to the National Coordinator that the entity will establish a Loan Fund in accordance with subsection (c);

(4) provides assurances to the National Coordinator that the entity will not provide a loan from the Loan Fund to a health care provider unless the provider agrees to—

(A) submit reports on quality measures adopted by the Federal Government (by not later than 90 days after the date on which such measures are adopted), to—

(i) the Director of the Centers for Medicare & Medicaid Services (or his or her designee), in the case of an entity participating in the Medicare program under title XVIII of the Social Security Act or the Medicaid program under title XIX of such Act; or

(ii) the Secretary in the case of other entities;

(B) demonstrate to the satisfaction of the Secretary (through criteria established by the Secretary) that any certified EHR technology purchased, improved, or otherwise financially supported under a loan under this section is used to exchange health information in a manner that, in accordance with law and standards (as adopted under section 3005) applicable to the exchange of information, improves the quality of health care, such as promoting care coordination; and

(C) comply with such other requirements as the entity or the Secretary may require;

(D) include a plan on how healthcare providers involved intend to maintain and support the certified EHR technology over time;

(E) include a plan on how the healthcare providers involved intend to maintain and support the certified EHR technology that would be purchased with such loan, including the type of resources expected to be involved and any such other information as the State or Indian tribe, respectively, may require; and

(5) agrees to provide matching funds in accordance with subsection (i).

(c) ESTABLISHMENT OF FUND.—For purposes of subsection (b)(3), an eligible entity shall establish a certified EHR technology loan fund (referred to in this subsection as a “Loan Fund”) and comply with the other requirements contained in this section. A grant to an eligible entity under this section shall be deposited in the Loan Fund established by the eligible entity. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any Loan Fund.

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*(d) STRATEGIC PLAN.—*

*(1) IN GENERAL.—For purposes of subsection (b)(2), a strategic plan of an eligible entity under this subsection shall identify the intended uses of amounts available to the Loan Fund of such entity.*

*(2) CONTENTS.—A strategic plan under paragraph (1), with respect to a Loan Fund of an eligible entity, shall include for a year the following:*

*(A) A list of the projects to be assisted through the Loan Fund during such year.*

*(B) A description of the criteria and methods established for the distribution of funds from the Loan Fund during the year.*

*(C) A description of the financial status of the Loan Fund as of the date of submission of the plan.*

*(D) The short-term and long-term goals of the Loan Fund.*

*(e) USE OF FUNDS.—Amounts deposited in a Loan Fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, making reimbursements described in subsection (g)(4)(A), or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the Loan Fund established under subsection (a). Loans under this section may be used by a health care provider to—*

*(1) facilitate the purchase of certified EHR technology;*

*(2) enhance the utilization of certified EHR technology;*

*(3) train personnel in the use of such technology; or*

*(4) improve the secure electronic exchange of health information.*

*(f) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a Loan Fund under this subsection may only be used for the following:*

*(1) To award loans that comply with the following:*

*(A) The interest rate for each loan shall not exceed the market interest rate.*

*(B) The principal and interest payments on each loan shall commence not later than 1 year after the date the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.*

*(C) The Loan Fund shall be credited with all payments of principal and interest on each loan awarded from the Loan Fund.*

*(2) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.*

*(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the eligible entity if the proceeds of the sale of the bonds will be deposited into the Loan Fund.*

*(4) To earn interest on the amounts deposited into the Loan Fund.*

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(5) To make reimbursements described in subsection (g)(4)(A).

(g) ADMINISTRATION OF LOAN FUNDS.—

(1) COMBINED FINANCIAL ADMINISTRATION.—An eligible entity may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with applicable State law, the financial administration of a Loan Fund established under this subsection with the financial administration of any other revolving fund established by the entity if otherwise not prohibited by the law under which the Loan Fund was established.

(2) COST OF ADMINISTERING FUND.—Each eligible entity may annually use not to exceed 4 percent of the funds provided to the entity under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a Loan Fund which are incurred after the date of the enactment of this title.

(3) GUIDANCE AND REGULATIONS.—The National Coordinator shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including—

(A) provisions to ensure that each eligible entity commits and expends funds allotted to the entity under this subsection as efficiently as possible in accordance with this title and applicable State laws; and

(B) guidance to prevent waste, fraud, and abuse.

(4) PRIVATE SECTOR CONTRIBUTIONS.—

(A) IN GENERAL.—A Loan Fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection. An eligible entity may agree to reimburse a private sector entity for any contribution made under this subparagraph, except that the amount of such reimbursement may not be greater than the principal amount of the contribution made.

(B) AVAILABILITY OF INFORMATION.—An eligible entity shall make publicly available the identity of, and amount contributed by, any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

(h) MATCHING REQUIREMENTS.—

(1) IN GENERAL.—The National Coordinator may not make a grant under subsection (a) to an eligible entity unless the entity agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash to the costs of carrying out the activities for which the grant is awarded in an amount equal to not less than \$1 for each \$5 of Federal funds provided under the grant.

(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that an eligible entity has provided pursuant to subparagraph (A), the National Coordinator may not include any amounts provided to the entity by the Federal Government.

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(i) **EFFECTIVE DATE.**—The Secretary may not make an award under this section prior to January 1, 2010.

**SEC. 3015. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.**

(a) **IN GENERAL.**—The Secretary may award grants under this section to carry out demonstration projects to develop academic curricula integrating certified EHR technology in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

(b) **ELIGIBILITY.**—To be eligible to receive a grant under subsection (a), an entity shall—

(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(2) submit to the Secretary a strategic plan for integrating certified EHR technology in the clinical education of health professionals to reduce medical errors, increase access to prevention, reduce chronic diseases, and enhance health care quality;

(3) be—

(A) a school of medicine, osteopathic medicine, dentistry, or pharmacy, a graduate program in behavioral or mental health, or any other graduate health professions school;

(B) a graduate school of nursing or physician assistant studies;

(C) a consortium of two or more schools described in subparagraph (A) or (B); or

(D) an institution with a graduate medical education program in medicine, osteopathic medicine, dentistry, pharmacy, nursing, or physician assistance studies.

(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate certified EHR technology, in the delivery of health care services; and

(5) provide matching funds in accordance with subsection (d).

(c) **USE OF FUNDS.**—

(1) **IN GENERAL.**—With respect to a grant under subsection (a), an eligible entity shall—

(A) use grant funds in collaboration with 2 or more disciplines; and

(B) use grant funds to integrate certified EHR technology into community-based clinical education.

(2) **LIMITATION.**—An eligible entity shall not use amounts received under a grant under subsection (a) to purchase hardware, software, or services.

(d) **FINANCIAL SUPPORT.**—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notifica-

tion to Congress as to the justification to waive the cost-share requirement.

(e) **EVALUATION.**—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

(f) **REPORTS.**—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce of the House of Representatives a report that—

(1) describes the specific projects established under this section; and

(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

**SEC. 3016. INFORMATION TECHNOLOGY PROFESSIONALS ON HEALTH CARE.**

(a) **IN GENERAL.**—The Secretary, in consultation with the Director of the National Science Foundation, shall provide assistance to institutions of higher education (or consortia thereof) to establish or expand medical health informatics education programs, including certification, undergraduate, and masters degree programs, for both health care and information technology students to ensure the rapid and effective utilization and development of health information technologies (in the United States health care infrastructure).

(b) **ACTIVITIES.**—Activities for which assistance may be provided under subsection (a) may include the following:

(1) Developing and revising curricula in medical health informatics and related disciplines.

(2) Recruiting and retaining students to the program involved.

(3) Acquiring equipment necessary for student instruction in these programs, including the installation of testbed networks for student use.

(4) Establishing or enhancing bridge programs in the health informatics fields between community colleges and universities.

(c) **PRIORITY.**—In providing assistance under subsection (a), the Secretary shall give preference to the following:

(1) Existing education and training programs.

(2) Programs designed to be completed in less than six months.

(d) **FINANCIAL SUPPORT.**—The Secretary may not provide more than 50 percent of the costs of any activity for which assistance is provided under subsection (a), except in an instance of national economic conditions which would render the cost-share requirement under this subsection detrimental to the program and upon notification to Congress as to the justification to waive the cost-share requirement.

**SEC. 3017. GENERAL GRANT AND LOAN PROVISIONS.**

(a) **REPORTS.**—The Secretary may require that an entity receiving assistance under this title shall submit to the Secretary, not

later than the date that is 1 year after the date of receipt of such assistance, a report that includes—

(1) an analysis of the effectiveness of such activities for which the entity receives such assistance, as compared to the goals for such activities; and

(2) an analysis of the impact of the project on healthcare quality and safety.

(b) REQUIREMENT TO IMPROVE QUALITY OF CARE AND DECREASE IN COSTS.—The National Coordinator shall annually evaluate the activities conducted under this title and shall, in awarding grants, implement the lessons learned from such evaluation in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the National Coordinator, will result in the greatest improvement in the quality and efficiency of health care.

SEC. 3018. AUTHORIZATION FOR APPROPRIATIONS.

For the purposes of carrying out this subtitle, there is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013. Amounts so appropriated shall remain available until expended.

\* \* \* \* \*

HOOVER POWER PLANT ACT OF 1984, PUBLIC LAW 98-381

TITLE I

SEC. 101. \* \* \*

\* \* \* \* \*

TITLE II

SEC. 201. \* \* \*

\* \* \* \* \*

SEC. 202. (a) \* \* \*

\* \* \* \* \*

(c) Where a purchaser is implementing one or more of the foregoing elements under a program responding to Federal, State, or other initiatives that apply to conservation and renewable energy development, in evaluating that purchaser's energy conservation program submitted pursuant to this title, Western shall make due allowance for the incorporation of such elements within the energy conservation program required by this title.

TITLE III—BORROWING AUTHORITY

SEC. 301. WESTERN AREA POWER ADMINISTRATION BORROWING AUTHORITY.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Western Area Power Administration.

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(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Treasury.

(b) **AUTHORITY.**—

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

(A) the Western Area Power Administration may borrow funds from the Treasury; and

(B) the Secretary shall, without further appropriation and without fiscal year limitation, loan to the Western Area Power Administration, on such terms as may be fixed by the Administrator and the Secretary, such sums (not to exceed, in the aggregate (including deferred interest), \$3,250,000,000 in outstanding repayable balances at any one time) as, in the judgment of the Administrator, are from time to time required for the purpose of—

(i) constructing, financing, facilitating, planning, operating, maintaining, or studying construction of new or upgraded electric power transmission lines and related facilities with at least one terminus within the area served by the Western Area Power Administration; and

(ii) delivering or facilitating the delivery of power generated by renewable energy resources constructed or reasonably expected to be constructed after the date of enactment of this section.

(2) **INTEREST.**—The rate of interest to be charged in connection with any loan made pursuant to this subsection shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

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

(4) **PARTICIPATION.**—The Administrator may permit other entities to participate in the financing, construction and ownership projects financed under this section.

(5) **CONGRESSIONAL REVIEW OF DISBURSEMENT.**—Effective upon the date of enactment of this section, the Administrator shall have the authority to have utilized \$1,750,000,000 at any one time. If the Administrator seeks to borrow funds above \$1,750,000,000, the funds will be disbursed unless there is enacted, within 90 calendar days of the first such request, a joint resolution that rescinds the remainder of the balance of the borrowing authority provided in this section.

(c) **TRANSMISSION LINE AND RELATED FACILITY PROJECTS.**—

(1) **IN GENERAL.**—For repayment purposes, each transmission line and related facility project in which the Western Area Power Administration participates pursuant to this section shall be treated as separate and distinct from—

(A) each other such project; and

(B) all other Western Area Power Administration power and transmission facilities.

(2) **PROCEEDS.**—The Western Area Power Administration shall apply the proceeds from the use of the transmission capac-

ity from an individual project under this section to the repayment of the principal and interest of the loan from the Treasury attributable to that project, after reserving such funds as the Western Area Power Administration determines are necessary—

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

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

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

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

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

(4) LIMITATION ON AUTHORITY.—Nothing in this section confers on the Administrator any additional authority or obligation to provide ancillary services to users of transmission facilities developed under this section.

(5) TREATMENT OF CERTAIN REVENUES.—Revenue from ancillary services provided by existing Federal power systems to users of transmission projects funded pursuant to this section shall be treated as revenue to the existing power system that provided the ancillary services.

(d) CERTIFICATION.—

(1) IN GENERAL.—For each project in which the Western Area Power Administration participates pursuant to this section, the Administrator shall certify, prior to committing funds for any such project, that—

(A) the project is in the public interest;

(B) the project will not adversely impact system reliability or operations, or other statutory obligations; and

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

(2) FORGIVENESS OF BALANCES.—

(A) IN GENERAL.—If, at the end of the useful life of a project, there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

(B) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

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

(e) PUBLIC PROCESSES.—

(1) POLICIES AND PRACTICES.—Prior to requesting any loans under this section, the Administrator shall use a public process to develop practices and policies that implement the authority granted by this section.

(2) REQUESTS FOR INTEREST.—In the course of selecting potential projects to be funded under this section, the Administrator shall seek Requests For Interest from entities interested in identifying potential projects through one or more notices published in the Federal Register.

\* \* \* \* \*

**ENERGY POLICY ACT OF 2005, PUBLIC LAW 109-58**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) \* \* \*

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—ENERGY EFFICIENCY**

\* \* \* \* \*

**TITLE XVII—INCENTIVES FOR INNOVATIVE TECHNOLOGIES**

Sec. 1701. Definitions.

Sec. 1702. Terms and conditions.

Sec. 1703. Eligible projects.

Sec. 1704. Authorization of appropriations.

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

\* \* \* \* \*

**TITLE XVII—INCENTIVES FOR INNOVATIVE TECHNOLOGIES**

**SEC. 1701. DEFINITIONS.**

\* \* \* \* \*

**SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees under this title.

(b) **USE OF OTHER APPROPRIATED FUNDS.**—The Department may use amounts awarded under the clean coal power initiative under subtitle A of title IV to carry out the project described in section 1703(c)(1)(C), on the request of the recipient of such award, for a loan guarantee, to the extent that the amounts have not yet been disbursed to, or have been repaid by, the recipient.

**SEC. 1705. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.**

(a) **IN GENERAL.**—Notwithstanding section 1703, the Secretary may make guarantees under this section only for commercial technology projects under subsection (b) that will reach financial close not later than September 30, 2012.

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

(1) Renewable energy systems.

(2) Electric power transmission systems.

(c) **AUTHORIZATION LIMIT.**—There are authorized to be appropriated \$10,000,000,000 to the Secretary for fiscal years 2009 through 2012 to provide the cost of guarantees made under section.

(d) **SUNSET.**—The authority to enter into guarantees under this section shall expire on September 30, 2012.

\* \* \* \* \*

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007,  
PUBLIC LAW 110-140

TITLE XIII—SMART GRID

\* \* \* \* \*

SEC. 1301. \* \* \*

\* \* \* \* \*

SEC. 1304. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT,  
AND DEMONSTRATION.

(a) \* \* \*

\* \* \* \* \*

(b) \* \* \*

\* \* \* \* \*

(1) \* \* \*

\* \* \* \* \*

(3) DEMONSTRATION PROJECTS.—

[(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.]

(A) *IN GENERAL.—In carrying out the initiative, the Secretary shall provide financial support to smart grid demonstration projects including those in rural areas and areas where the majority of generation and transmission assets are controlled by a tax-exempt entity.*

\* \* \* \* \*

[(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.]

(C) *FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) or to other parties financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility or other party to carry out a demonstration project.*

(D) *INELIGIBILITY FOR GRANTS.—No person or entity participating in any demonstration project conducted under this subsection shall be eligible for grants under section 1306 for otherwise qualifying investments made as part of that demonstration project.*

(E) *AVAILABILITY OF DATA.—The Secretary shall establish and maintain a smart grid information clearinghouse*

*in a timely manner which will make data from smart grid demonstration projects and other sources available to the public. As a condition of receiving financial assistance under this subsection, a utility or other participant in a smart grid demonstration project shall provide such information as the Secretary may require to become available through the smart grid information clearinghouse in the form and within the timeframes as directed by the Secretary. The Secretary shall assure that business proprietary information and individual customer information is not included in the information made available through the clearinghouse.*

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

- (1) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and
- [(2) to carry out subsection (b), \$100,000,000 for each of fiscal years 2008 through 2012.]
- (2) to carry out subsection (b), such sums as may be necessary.

\* \* \* \* \*

**SEC. 1306. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.**

(a) MATCHING FUND.—The Secretary shall establish a Smart Grid Investment Matching Grant Program to provide [reimbursement of one-fifth (20 percent)] *grants of up to one-half (50 percent) of qualifying Smart Grid investments.*

(b) QUALIFYING INVESTMENTS.—Qualifying Smart Grid investments may include any of the following made on or after the date of the enactment of the Act:

(1) \* \* \*

\* \* \* \* \*

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary shall identify. [In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.]

(c) INVESTMENTS NOT INCLUDED.—Qualifying Smart Grid investments do not include any of the following:

(1) Investments or expenditures for Smart Grid technologies, devices, or equipment that [are eligible for] *utilize* specific tax credits or deductions under the Internal Revenue Code, as amended.

\* \* \* \* \*

[(e) The Secretary shall—

(1) establish and publish in the Federal Register, within 1 year after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fifth of their documented expenditures;

[(2) establish procedures to ensure that there is no duplication or multiple reimbursement for the same investment or costs, that the reimbursement goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

[(3) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

[(4) establish procedures to provide, in cases deemed by the Secretary to be warranted, advance payment of moneys up to the full amount of the projected eventual reimbursement, to creditworthy applicants whose ability to make Qualifying Smart Grid Investments may be hindered by lack of initial capital, in lieu of any later reimbursement for which that applicant qualifies, and subject to full return of the advance payment in the event that the Qualifying Smart Grid investment is not made; and

[(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.

*(e) The Secretary shall—*

*(1) establish within 60 days after the enactment of the American Recovery and Reinvestment Act of 2009 procedures by which applicants can obtain grants of not more than one-half of their documented costs;*

*(2) establish procedures to ensure that there is no duplication or multiple payment for the same investment or costs, that the grant goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;*

*(3) maintain public records of grants made, recipients, and qualifying Smart Grid investments which have received grants;*

*(4) establish procedures to provide advance payment of moneys up to the full amount of the grant award; and*

*(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.*

**SEC. 1307. STATE CONSIDERATION OF SMART GRID.**

(a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

“[(16)] (18) CONSIDERATION OF SMART GRID INVESTMENTS.—

“(A) IN GENERAL.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

“(i) total costs;

“(ii) cost-effectiveness;

“(iii) improved reliability;

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- “(iv) security;
- “(v) system performance; and
- “(vi) societal benefit.

“(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

“(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

“[(17)] (19) SMART GRID INFORMATION.—

“(A) STANDARD.—All electricity purchasers shall be provided direct access, in written or electronic machine-readable form as appropriate, to information from their electricity provider as provided in subparagraph (B).

“(B) INFORMATION.—Information provided under this section, to the extent practicable, shall include:

“(i) PRICES.—Purchasers and other interested persons shall be provided with information on—

“(I) time-based electricity prices in the wholesale electricity market; and

“(II) time-based electricity retail prices or rates that are available to the purchasers.

“(ii) USAGE.—Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them.

“(iii) INTERVALS AND PROJECTIONS.—Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

“(iv) SOURCES.—Purchasers and other interested persons shall be provided annually with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis.

“(C) ACCESS.—Purchasers shall be able to access their own information at any time through the Internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser

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through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.”.

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