

Calendar No. 894

110TH CONGRESS
2D SESSION**S. 3297**

To advance America's priorities.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2008

Mr. REID (for himself, Mr. LEAHY, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. INOUE, Mr. KENNEDY, Mrs. BOXER, and Mr. BIDEN) introduced the following bill; which was read the first time

JULY 23, 2008

Read the second time and placed on the calendar

A BILL

To advance America's priorities.

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

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Advancing America’s Priorities Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 this Act is as follows:

Sec. 1. Short title.

TITLE I—HEALTHCARE PROVISIONS

Subtitle A—ALS Registry Act

- Sec. 1001. Short title.
- Sec. 1002. Amendment to the Public Health Service Act.
- Sec. 1003. Report on registries.

Subtitle B—Christopher and Dana Reeve Paralysis Act

- Sec. 1101. Short title.

PART I—PARALYSIS RESEARCH

- Sec. 1111. Expansion and coordination of activities of the National Institutes of Health with respect to research on paralysis.

PART II—PARALYSIS REHABILITATION RESEARCH AND CARE

- Sec. 1121. Expansion and coordination of activities of the National Institutes of Health with respect to research with implications for enhancing daily function for persons with paralysis.

PART III—IMPROVING QUALITY OF LIFE FOR PERSONS WITH PARALYSIS AND OTHER PHYSICAL DISABILITIES

- Sec. 1131. Programs to improve quality of life for persons with paralysis and other physical disabilities.

Subtitle C—Stroke Treatment and Ongoing Prevention Act

- Sec. 1201. Short title.
- Sec. 1202. Amendments to Public Health Service Act regarding stroke programs.
- Sec. 1203. Pilot project on telehealth stroke treatment.
- Sec. 1204. Rule of construction.

Subtitle D—Melanie Blocker Stokes MOTHERS Act

- Sec. 1301. Short title.

PART I—RESEARCH ON POSTPARTUM CONDITIONS

- Sec. 1311. Expansion and intensification of activities.
- Sec. 1312. Sense of Congress regarding longitudinal study of relative mental health consequences for women of resolving a pregnancy.

PART II—DELIVERY OF SERVICES REGARDING POSTPARTUM CONDITIONS

- Sec. 1321. Establishment of program of grants.
- Sec. 1322. Certain requirements.
- Sec. 1323. Technical assistance.

PART III—GENERAL PROVISIONS

- Sec. 1331. Authorization of appropriations.
- Sec. 1332. Report by the Secretary.
- Sec. 1333. Limitation.

Subtitle E—Vision Care for Kids Act of 2008

- Sec. 1401. Short title.
- Sec. 1402. Findings.
- Sec. 1403. Grants regarding vision care for children.

Subtitle F—Prenatally and Postnatally Diagnosed Conditions Awareness Act

- Sec. 1501. Short title.
- Sec. 1502. Purposes.
- Sec. 1503. Amendment to the Public Health Service Act.

TITLE II—JUDICIARY PROVISIONS

Subtitle A—Reconnecting Homeless Youth Act of 2008

- Sec. 2101. Short title.
- Sec. 2102. Findings.
- Sec. 2103. Basic center program.
- Sec. 2104. Transitional living grant program.
- Sec. 2105. Grants for research evaluation, demonstration, and service projects.
- Sec. 2106. Coordinating, training, research, and other activities.
- Sec. 2107. Sexual abuse prevention program.
- Sec. 2108. National homeless youth awareness campaign.
- Sec. 2109. Conforming amendments.
- Sec. 2110. Performance standards.
- Sec. 2111. Government Accountability Office study and report.
- Sec. 2112. Definitions.
- Sec. 2113. Authorization of appropriations.

Subtitle B—Emmett Till Unsolved Civil Rights Crimes Act of 2007

- Sec. 2201. Short title.
- Sec. 2202. Sense of Congress.
- Sec. 2203. Deputy Chief of the Criminal Section of the Civil Rights Division.
- Sec. 2204. Supervisory Special Agent in the Civil Rights Unit of the Federal Bureau of Investigation.
- Sec. 2205. Grants to State and local law enforcement.
- Sec. 2206. Authorization of appropriations.
- Sec. 2207. Definition of criminal civil rights statutes.
- Sec. 2208. Sunset.
- Sec. 2209. Authority of Inspectors General.

Subtitle C—Mentally Ill Offender Treatment and Crime Reduction
Reauthorization and Improvement Act of 2008

- Sec. 2301. Short title.
- Sec. 2302. Findings.
- Sec. 2303. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
- Sec. 2304. Law enforcement response to mentally ill offenders improvement grants.
- Sec. 2305. Improving the mental health courts grant program.
- Sec. 2306. Examination and report on prevalence of mentally ill offenders.

Subtitle D—Effective Child Pornography Prosecution Act of 2007

- Sec. 7401. Short title.

- Sec. 7402. Findings.
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- Sec. 2502. Money laundering predicate.
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Subtitle F—Drug Endangered Children Act of 2007

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Subtitle G—Star-Spangled Banner and War of 1812 Bicentennial Commission Act

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- Sec. 4501. Short title.
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1 **TITLE I—HEALTHCARE**
2 **PROVISIONS**
3 **Subtitle A—ALS Registry Act**

4 **SEC. 1001. SHORT TITLE.**

5 This subtitle may be cited as the “ALS Registry
6 Act”.

1 **SEC. 1002. AMENDMENT TO THE PUBLIC HEALTH SERVICE**
2 **ACT.**

3 Part P of title III of the Public Health Service Act
4 (42 U.S.C. 280g et seq.) is amended by adding at the end
5 the following:

6 **“SEC. 399R. AMYOTROPHIC LATERAL SCLEROSIS REG-**
7 **ISTRY.**

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—Not later than 1 year after
10 the receipt of the report described in subsection
11 (b)(2)(A), the Secretary, acting through the Director
12 of the Centers for Disease Control and Prevention,
13 shall—

14 “(A) develop a system to collect data on
15 amyotrophic lateral sclerosis (referred to in this
16 section as ‘ALS’) and other motor neuron dis-
17 orders that can be confused with ALS,
18 misdiagnosed as ALS, and in some cases
19 progress to ALS, including information with re-
20 spect to the incidence and prevalence of the dis-
21 ease in the United States; and

22 “(B) establish a national registry for the
23 collection and storage of such data to develop a
24 population-based registry of cases in the United
25 States of ALS and other motor neuron dis-
26 orders that can be confused with ALS,

1 misdiagnosed as ALS, and in some cases
2 progress to ALS.

3 “(2) PURPOSE.—It is the purpose of the reg-
4 istry established under paragraph (1)(B) to—

5 “(A) better describe the incidence and
6 prevalence of ALS in the United States;

7 “(B) examine appropriate factors, such as
8 environmental and occupational, that may be
9 associated with the disease;

10 “(C) better outline key demographic fac-
11 tors (such as age, race or ethnicity, gender, and
12 family history of individuals who are diagnosed
13 with the disease) associated with the disease;

14 “(D) better examine the connection be-
15 tween ALS and other motor neuron disorders
16 that can be confused with ALS, misdiagnosed
17 as ALS, and in some cases progress to ALS;
18 and

19 “(E) other matters as recommended by the
20 Advisory Committee established under sub-
21 section (b).

22 “(b) ADVISORY COMMITTEE.—

23 “(1) ESTABLISHMENT.—Not later than 180
24 days after the date of the enactment of this section,
25 the Secretary, acting through the Director of the

1 Centers for Disease Control and Prevention, shall
2 establish a committee to be known as the Advisory
3 Committee on the National ALS Registry (referred
4 to in this section as the ‘Advisory Committee’). The
5 Advisory Committee shall be composed of not more
6 than 27 members to be appointed by the Secretary,
7 acting through the Centers for Disease Control and
8 Prevention, of which—

9 “(A) two-thirds of such members shall rep-
10 resent governmental agencies—

11 “(i) including at least one member
12 representing—

13 “(I) the National Institutes of
14 Health, to include, upon the rec-
15 ommendation of the Director of the
16 National Institutes of Health, rep-
17 resentatives from the National Insti-
18 tute of Neurological Disorders and
19 Stroke and the National Institute of
20 Environmental Health Sciences;

21 “(II) the Department of Veterans
22 Affairs;

23 “(III) the Agency for Toxic Sub-
24 stances and Disease Registry; and

1 “(IV) the Centers for Disease
2 Control and Prevention; and

3 “(ii) of which at least one such mem-
4 ber shall be a clinician with expertise on
5 ALS and related diseases, an epidemiolo-
6 gist with experience in data registries, a
7 statistician, an ethicist, and a privacy ex-
8 pert (relating to the privacy regulations
9 under the Health Insurance Portability
10 and Accountability Act of 1996); and

11 “(B) one-third of such members shall be
12 public members, including at least one member
13 representing—

14 “(i) national and voluntary health as-
15 sociations;

16 “(ii) patients with ALS or their fam-
17 ily members;

18 “(iii) clinicians with expertise on ALS
19 and related diseases;

20 “(iv) epidemiologists with experience
21 in data registries;

22 “(v) geneticists or experts in genetics
23 who have experience with the genetics of
24 ALS or other neurological diseases and

1 “(vi) other individuals with an interest
2 in developing and maintaining the National
3 ALS Registry.

4 “(2) DUTIES.—The Advisory Committee shall
5 review information and make recommendations to
6 the Secretary concerning—

7 “(A) the development and maintenance of
8 the National ALS Registry;

9 “(B) the type of information to be col-
10 lected and stored in the Registry;

11 “(C) the manner in which such data is to
12 be collected;

13 “(D) the use and availability of such data
14 including guidelines for such use; and

15 “(E) the collection of information about
16 diseases and disorders that primarily affect
17 motor neurons that are considered essential to
18 furthering the study and cure of ALS.

19 “(3) REPORT.—Not later than 270 days after
20 the date on which the Advisory Committee is estab-
21 lished, the Advisory Committee shall submit a report
22 to the Secretary concerning the review conducted
23 under paragraph (2) that contains the recommenda-
24 tions of the Advisory Committee with respect to the
25 results of such review.

1 “(c) GRANTS.—The Secretary, acting through the
 2 Director of the Centers for Disease Control and Preven-
 3 tion, may award grants to, and enter into contracts and
 4 cooperative agreements with, public or private nonprofit
 5 entities for the collection, analysis, and reporting of data
 6 on ALS and other motor neuron disorders that can be con-
 7 fused with ALS, misdiagnosed as ALS, and in some cases
 8 progress to ALS after receiving the report under sub-
 9 section (b)(3).

10 “(d) COORDINATION WITH STATE, LOCAL, AND FED-
 11 ERAL REGISTRIES.—

12 “(1) IN GENERAL.—In establishing the Na-
 13 tional ALS Registry under subsection (a), the Sec-
 14 retary, acting through the Director of the Centers
 15 for Disease Control and Prevention, shall—

16 “(A) identify, build upon, expand, and co-
 17 ordinate among existing data and surveillance
 18 systems, surveys, registries, and other Federal
 19 public health and environmental infrastructure
 20 wherever possible, which may include—

21 “(i) any registry pilot projects pre-
 22 viously supported by the Centers for Dis-
 23 ease Control and Prevention;

24 “(ii) the Department of Veterans Af-
 25 fairs ALS Registry;

1 “(iii) the DNA and Cell Line Reposi-
 2 tory of the National Institute of Neuro-
 3 logical Disorders and Stroke Human Ge-
 4 netics Resource Center at the National In-
 5 stitutes of Health;

6 “(iv) Agency for Toxic Substances
 7 and Disease Registry studies, including
 8 studies conducted in Illinois, Missouri, El
 9 Paso and San Antonio, Texas, and Massa-
 10 chusetts;

11 “(v) State-based ALS registries;

12 “(vi) the National Vital Statistics Sys-
 13 tem; and

14 “(vii) any other existing or relevant
 15 databases that collect or maintain informa-
 16 tion on those motor neuron diseases rec-
 17 ommended by the Advisory Committee es-
 18 tablished in subsection (b); and

19 “(B) provide for research access to ALS
 20 data as recommended by the Advisory Com-
 21 mittee established in subsection (b) to the ex-
 22 tent permitted by applicable statutes and regu-
 23 lations and in a manner that protects personal
 24 privacy consistent with applicable privacy stat-
 25 utes and regulations.

1 “(2) COORDINATION WITH NIH AND DEPART-
 2 MENT OF VETERANS AFFAIRS.—Consistent with ap-
 3 plicable privacy statutes and regulations, the Sec-
 4 retary shall ensure that epidemiological and other
 5 types of information obtained under subsection (a) is
 6 made available to the National Institutes of Health
 7 and the Department of Veterans Affairs.

8 “(e) DEFINITION.—For the purposes of this section,
 9 the term ‘national voluntary health association’ means a
 10 national non-profit organization with chapters or other af-
 11 filiated organizations in States throughout the United
 12 States with experience serving the population of individ-
 13 uals with ALS and have demonstrated experience in ALS
 14 research, care, and patient services.

15 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated to carry out this section,
 17 \$2,000,000 for fiscal year 2009, \$25,000,000 for fiscal
 18 year 2010, and \$16,000,000 for each of fiscal years 2011
 19 through 2013.”.

20 **SEC. 1003. REPORT ON REGISTRIES.**

21 Not later than 18 months after the date of enactment
 22 of this Act, the Secretary of Health and Human Services
 23 shall submit to the appropriate committees of Congress
 24 a report outlining—

25 (1) the registries currently under way;

- 1 (2) future planned registries;
- 2 (3) the criteria involved in determining what
- 3 registries to conduct, defer, or suspend; and
- 4 (4) the scope of those registries.

5 The report shall also include a description of the activities
 6 the Secretary undertakes to establish partnerships with re-
 7 search and patient advocacy communities to expand reg-
 8 istries.

9 **Subtitle B—Christopher and Dana** 10 **Reeve Paralysis Act**

11 **SEC. 1101. SHORT TITLE.**

12 This subtitle may be cited as the “Christopher and
 13 Dana Reeve Paralysis Act”.

14 **PART I—PARALYSIS RESEARCH**

15 **SEC. 1111. EXPANSION AND COORDINATION OF ACTIVITIES** 16 **OF THE NATIONAL INSTITUTES OF HEALTH** 17 **WITH RESPECT TO RESEARCH ON PARALYSIS.**

18 (a) COORDINATION.—The Director of the National
 19 Institutes of Health (referred to in this subtitle as the
 20 “Director”), pursuant to the general authority of the Di-
 21 rector, may develop mechanisms to coordinate the paral-
 22 ysis research and rehabilitation activities of the Institutes
 23 and Centers of the National Institutes of Health in order
 24 to further advance such activities and avoid duplication
 25 of activities.

1 (b) CHRISTOPHER AND DANA REEVE PARALYSIS RE-
 2 SEARCH CONSORTIA.—

3 (1) IN GENERAL.—The Director may under
 4 subsection (a) make awards of grants to public or
 5 private entities to pay all or part of the cost of plan-
 6 ning, establishing, improving, and providing basic
 7 operating support for consortia in paralysis research.
 8 The Director shall designate each consortium funded
 9 under grants as a Christopher and Dana Reeve Pa-
 10 ralysis Research Consortium.

11 (2) RESEARCH.—Each consortium under para-
 12 graph (1)—

13 (A) may conduct basic, translational and
 14 clinical paralysis research;

15 (B) may focus on advancing treatments
 16 and developing therapies in paralysis research;

17 (C) may focus on one or more forms of pa-
 18 ralysis that result from central nervous system
 19 trauma or stroke;

20 (D) may facilitate and enhance the dis-
 21 semination of clinical and scientific findings;
 22 and

23 (E) may replicate the findings of consortia
 24 members or other researchers for scientific and
 25 translational purposes.

1 (3) COORDINATION OF CONSORTIA; REPORTS.—

2 The Director may, as appropriate, provide for the
3 coordination of information among consortia under
4 paragraph (1) and ensure regular communication
5 between members of the consortia, and may require
6 the periodic preparation of reports on the activities
7 of the consortia and the submission of the reports to
8 the Director.

9 (4) ORGANIZATION OF CONSORTIA.—Each con-
10 sortium under paragraph (1) may use the facilities
11 of a single lead institution, or be formed from sev-
12 eral cooperating institutions, meeting such require-
13 ments as may be prescribed by the Director.

14 (c) PUBLIC INPUT.—The Director may provide for a
15 mechanism to educate and disseminate information on the
16 existing and planned programs and research activities of
17 the National Institutes of Health with respect to paralysis
18 and through which the Director can receive comments
19 from the public regarding such programs and activities.

1 **PART II—PARALYSIS REHABILITATION**
2 **RESEARCH AND CARE**
3 **SEC. 1121. EXPANSION AND COORDINATION OF ACTIVITIES**
4 **OF THE NATIONAL INSTITUTES OF HEALTH**
5 **WITH RESPECT TO RESEARCH WITH IMPLICA-**
6 **TIONS FOR ENHANCING DAILY FUNCTION**
7 **FOR PERSONS WITH PARALYSIS.**

8 (a) IN GENERAL.—The Director, pursuant to the
9 general authority of the Director, may make awards of
10 grants to public or private entities to pay all or part of
11 the costs of planning, establishing, improving, and pro-
12 viding basic operating support to multicenter networks of
13 clinical sites that will collaborate to design clinical reha-
14 bilitation intervention protocols and measures of outcomes
15 on one or more forms of paralysis that result from central
16 nervous system trauma, disorders, or stroke, or any com-
17 bination of such conditions.

18 (b) RESEARCH.—Each multicenter clinical trial net-
19 work may—

20 (1) focus on areas of key scientific concern, in-
21 cluding—

22 (A) improving functional mobility;

23 (B) promoting behavioral adaptation to
24 functional losses, especially to prevent sec-
25 ondary complications;

1 (C) assessing the efficacy and outcomes of
2 medical rehabilitation therapies and practices
3 and assisting technologies;

4 (D) developing improved assistive tech-
5 nology to improve function and independence;
6 and

7 (E) understanding whole body system re-
8 sponses to physical impairments, disabilities,
9 and societal and functional limitations; and

10 (2) replicate the findings of network members
11 for scientific and translation purposes.

12 (c) COORDINATION OF CLINICAL TRIALS NETWORKS;
13 REPORTS.—The Director may, as appropriate, provide for
14 the coordination of information among networks and en-
15 sure regular communication between members of the net-
16 works, and may require the periodic preparation of reports
17 on the activities of the networks and submission of reports
18 to the Director.

1 **PART III—IMPROVING QUALITY OF LIFE FOR**
2 **PERSONS WITH PARALYSIS AND OTHER**
3 **PHYSICAL DISABILITIES**

4 **SEC. 1131. PROGRAMS TO IMPROVE QUALITY OF LIFE FOR**
5 **PERSONS WITH PARALYSIS AND OTHER**
6 **PHYSICAL DISABILITIES.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services (in this part referred to as the “Sec-
9 retary”) may study the unique health challenges associ-
10 ated with paralysis and other physical disabilities and
11 carry out projects and interventions to improve the quality
12 of life and long-term health status of persons with paral-
13 ysis and other physical disabilities. The Secretary may
14 carry out such projects directly and through awards of
15 grants or contracts.

16 (b) CERTAIN ACTIVITIES.—Activities under sub-
17 section (a) may include—

18 (1) the development of a national paralysis and
19 physical disability quality of life action plan, to pro-
20 mote health and wellness in order to enhance full
21 participation, independent living, self-sufficiency and
22 equality of opportunity in partnership with voluntary
23 health agencies focused on paralysis and other phys-
24 ical disabilities, to be carried out in coordination
25 with the State-based Disability and Health Program
26 of the Centers for Disease Control and Prevention;

1 (2) support for programs to disseminate infor-
 2 mation involving care and rehabilitation options and
 3 quality of life grant programs supportive of commu-
 4 nity based programs and support systems for per-
 5 sons with paralysis and other physical disabilities;

6 (3) in collaboration with other centers and na-
 7 tional voluntary health agencies, establish a popu-
 8 lation-based database that may be used for longitu-
 9 dinal and other research on paralysis and other dis-
 10 abling conditions; and

11 (4) the replication and translation of best prac-
 12 tices and the sharing of information across States,
 13 as well as the development of comprehensive, unique
 14 and innovative programs, services, and demonstra-
 15 tions within existing State-based disability and
 16 health programs of the Centers for Disease Control
 17 and Prevention which are designed to support and
 18 advance quality of life programs for persons living
 19 with paralysis and other physical disabilities focus-
 20 ing on—

21 (A) caregiver education;

22 (B) promoting proper nutrition, increasing
 23 physical activity, and reducing tobacco use;

24 (C) education and awareness programs for
 25 health care providers;

1 (D) prevention of secondary complications;

2 (E) home and community-based interven-
3 tions;

4 (F) coordinating services and removing
5 barriers that prevent full participation and inte-
6 gration into the community; and

7 (G) recognizing the unique needs of under-
8 served populations.

9 (c) GRANTS.—The Secretary may award grants in ac-
10 cordance with the following:

11 (1) To State and local health and disability
12 agencies for the purpose of—

13 (A) establishing a population-based data-
14 base that may be used for longitudinal and
15 other research on paralysis and other disabling
16 conditions;

17 (B) developing comprehensive paralysis
18 and other physical disability action plans and
19 activities focused on the items listed in sub-
20 section (b)(4);

21 (C) assisting State-based programs in es-
22 tablishing and implementing partnerships and
23 collaborations that maximize the input and sup-
24 port of people with paralysis and other physical
25 disabilities and their constituent organizations;

1 (D) coordinating paralysis and physical
 2 disability activities with existing State-based
 3 disability and health programs;

4 (E) providing education and training op-
 5 portunities and programs for health profes-
 6 sionals and allied caregivers; and

7 (F) developing, testing, evaluating, and
 8 replicating effective intervention programs to
 9 maintain or improve health and quality of life.

10 (2) To private health and disability organiza-
 11 tions for the purpose of—

12 (A) disseminating information to the pub-
 13 lic;

14 (B) improving access to services for per-
 15 sons living with paralysis and other physical
 16 disabilities and their caregivers;

17 (C) testing model intervention programs to
 18 improve health and quality of life; and

19 (D) coordinating existing services with
 20 State-based disability and health programs.

21 (d) COORDINATION OF ACTIVITIES.—The Secretary
 22 shall ensure that activities under this section are coordi-
 23 nated as appropriate with other agencies of the Depart-
 24 ment of Health and Human Services.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—For the
2 purpose of carrying out this section, there are authorized
3 to be appropriated \$25,000,000 for each of fiscal years
4 2009 through 2012.

5 **Subtitle C—Stroke Treatment and**
6 **Ongoing Prevention Act**

7 **SEC. 1201. SHORT TITLE.**

8 This subtitle may be cited as the “Stroke Treatment
9 and Ongoing Prevention Act”.

10 **SEC. 1202. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT**
11 **REGARDING STROKE PROGRAMS.**

12 (a) STROKE EDUCATION AND INFORMATION PRO-
13 GRAMS.—Title III of the Public Health Service Act (42
14 U.S.C. 241 et seq.) is amended by adding at the end the
15 following:

16 **“PART S—STROKE EDUCATION, INFORMATION,**
17 **AND DATA COLLECTION PROGRAMS**

18 **“SEC. 399FF. STROKE PREVENTION AND EDUCATION CAM-**
19 **PAIGN.**

20 “(a) IN GENERAL.—The Secretary shall carry out an
21 education and information campaign to promote stroke
22 prevention and increase the number of stroke patients who
23 seek immediate treatment.

1 “(b) AUTHORIZED ACTIVITIES.—In implementing the
2 education and information campaign under subsection (a),
3 the Secretary may—

4 “(1) make public service announcements about
5 the warning signs of stroke and the importance of
6 treating stroke as a medical emergency;

7 “(2) provide education regarding ways to pre-
8 vent stroke and the effectiveness of stroke treat-
9 ment; and

10 “(3) carry out other activities that the Sec-
11 retary determines will promote prevention practices
12 among the general public and increase the number
13 of stroke patients who seek immediate care.

14 “(c) MEASUREMENTS.—In implementing the edu-
15 cation and information campaign under subsection (a), the
16 Secretary shall—

17 “(1) measure public awareness before the start
18 of the campaign to provide baseline data that will be
19 used to evaluate the effectiveness of the public
20 awareness efforts;

21 “(2) establish quantitative benchmarks to meas-
22 ure the impact of the campaign over time; and

23 “(3) measure the impact of the campaign not
24 less than once every 2 years or, if determined appro-
25 priate by the Secretary, at shorter intervals.

1 “(d) NO DUPLICATION OF EFFORT.—In carrying out
 2 this section, the Secretary shall avoid duplicating existing
 3 stroke education efforts by other Federal Government
 4 agencies.

5 “(e) CONSULTATION.—In carrying out this section,
 6 the Secretary may consult with organizations and individ-
 7 uals with expertise in stroke prevention, diagnosis, treat-
 8 ment, and rehabilitation.

9 **“SEC. 399GG. PAUL COVERDELL NATIONAL ACUTE STROKE**
 10 **REGISTRY AND CLEARINGHOUSE.**

11 “The Secretary, acting through the Centers for Dis-
 12 ease Control and Prevention, shall maintain the Paul
 13 Coverdell National Acute Stroke Registry and Clearing-
 14 house by—

15 “(1) continuing to develop and collect specific
 16 data points and appropriate benchmarks for ana-
 17 lyzing care of acute stroke patients;

18 “(2) collecting, compiling, and disseminating in-
 19 formation on the achievements of, and problems ex-
 20 perience by, State and local agencies and private
 21 entities in developing and implementing emergency
 22 medical systems and hospital-based quality of care
 23 interventions; and

24 “(3) carrying out any other activities the Sec-
 25 retary determines to be useful to maintain the Paul

1 Coverdell National Acute Stroke Registry and Clear-
 2 inghouse to reflect the latest advances in all forms
 3 of stroke care.

4 **“SEC. 399HH. STROKE DEFINITION.**

5 “For purposes of this part, the term ‘stroke’ means
 6 a ‘brain attack’ in which blood flow to the brain is inter-
 7 rupted or in which a blood vessel or aneurysm in the brain
 8 breaks or ruptures.

9 **“SEC. 399II. AUTHORIZATION OF APPROPRIATIONS.**

10 “There is authorized to be appropriated to carry out
 11 this part \$5,000,000 for each of fiscal years 2009 through
 12 2013.”.

13 (b) EMERGENCY MEDICAL PROFESSIONAL DEVELOP-
 14 MENT.—Section 1251 of the Public Health Service Act
 15 (42 U.S.C. 300d–51) is amended to read as follows:

16 **“SEC. 1251. MEDICAL PROFESSIONAL DEVELOPMENT IN AD-
 17 VANCED STROKE AND TRAUMATIC INJURY
 18 TREATMENT AND PREVENTION.**

19 “(a) RESIDENCY AND OTHER PROFESSIONAL TRAIN-
 20 ING.—The Secretary may make grants to public and non-
 21 profit entities for the purpose of planning, developing, and
 22 enhancing approved residency training programs and
 23 other professional training for appropriate health profes-
 24 sions in emergency medicine, including emergency medical

1 services professionals, to improve stroke and traumatic in-
2 jury prevention, diagnosis, treatment, and rehabilitation.

3 “(b) CONTINUING EDUCATION ON STROKE AND
4 TRAUMATIC INJURY.—

5 “(1) GRANTS.—The Secretary, acting through
6 the Administrator of the Health Resources and Serv-
7 ices Administration, may make grants to qualified
8 entities for the development and implementation of
9 education programs for appropriate health care pro-
10 fessionals in the use of newly developed diagnostic
11 approaches, technologies, and therapies for health
12 professionals involved in the prevention, diagnosis,
13 treatment, and rehabilitation of stroke or traumatic
14 injury.

15 “(2) DISTRIBUTION OF GRANTS.—In awarding
16 grants under this subsection, the Secretary shall give
17 preference to qualified entities that will train health
18 care professionals that serve areas with a significant
19 incidence of stroke or traumatic injuries.

20 “(3) APPLICATION.—A qualified entity desiring
21 a grant under this subsection shall submit to the
22 Secretary an application at such time, in such man-
23 ner, and containing such information as the Sec-
24 retary may require, including a plan for the rigorous

1 evaluation of activities carried out with amounts re-
2 ceived under the grant.

3 “(4) DEFINITIONS.—For purposes of this sub-
4 section:

5 “(A) The term ‘qualified entity’ means a
6 consortium of public and private entities, such
7 as universities, academic medical centers, hos-
8 pitals, and emergency medical systems that are
9 coordinating education activities among pro-
10 viders serving in a variety of medical settings.

11 “(B) The term ‘stroke’ means a ‘brain at-
12 tack’ in which blood flow to the brain is inter-
13 rupted or in which a blood vessel or aneurysm
14 in the brain breaks or ruptures.

15 “(c) REPORT.—Not later than 1 year after the alloca-
16 tion of grants under this section, the Secretary shall sub-
17 mit to the Committee on Health, Education, Labor, and
18 Pensions of the Senate and the Committee on Energy and
19 Commerce of the House of Representatives a report on
20 the results of activities carried out with amounts received
21 under this section.

22 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$4,000,000 for each of fiscal years 2009 through 2013.
25 The Secretary shall equitably allocate the funds author-

1 ized to be appropriated under this section between efforts
 2 to address stroke and efforts to address traumatic in-
 3 jury.”.

4 **SEC. 1203. PILOT PROJECT ON TELEHEALTH STROKE**
 5 **TREATMENT.**

6 (a) ESTABLISHMENT.—Part D of title III of the Pub-
 7 lic Health Service Act (42 U.S.C. 254b et seq.) is amended
 8 by inserting after section 330L the following:

9 **“SEC. 330M. TELEHEALTH STROKE TREATMENT GRANT**
 10 **PROGRAM.**

11 “(a) GRANTS.—The Secretary may make grants to
 12 States, and to consortia of public and private entities lo-
 13 cated in any State that is not a grantee under this section,
 14 to conduct a 5-year pilot project over the period of fiscal
 15 years 2008 through 2012 to improve stroke patient out-
 16 comes by coordinating health care delivery through tele-
 17 health networks.

18 “(b) ADMINISTRATION.—The Secretary shall admin-
 19 ister this section through the Director of the Office for
 20 the Advancement of Telehealth.

21 “(c) CONSULTATION.—In carrying out this section,
 22 for the purpose of better coordinating program activities,
 23 the Secretary shall consult with—

24 “(1) officials responsible for other Federal pro-
 25 grams involving stroke research and care, including

1 such programs established by the Stroke Treatment
2 and Ongoing Prevention Act; and

3 “(2) organizations and individuals with exper-
4 tise in stroke prevention, diagnosis, treatment, and
5 rehabilitation.

6 “(d) USE OF FUNDS.—

7 “(1) IN GENERAL.—The Secretary may not
8 make a grant to a State or a consortium under this
9 section unless the State or consortium agrees to use
10 the grant for the purpose of—

11 “(A) identifying entities with expertise in
12 the delivery of high-quality stroke prevention,
13 diagnosis, treatment, and rehabilitation;

14 “(B) working with those entities to estab-
15 lish or improve telehealth networks to provide
16 stroke treatment assistance and resources to
17 health care professionals, hospitals, and other
18 individuals and entities that serve stroke pa-
19 tients;

20 “(C) informing emergency medical systems
21 of the location of entities identified under sub-
22 paragraph (A) to facilitate the appropriate
23 transport of individuals with stroke symptoms;

1 “(D) establishing networks to coordinate
2 collaborative activities for stroke prevention, di-
3 agnosis, treatment, and rehabilitation;

4 “(E) improving access to high-quality
5 stroke care, especially for populations with a
6 shortage of stroke care specialists and popu-
7 lations with a high incidence of stroke; and

8 “(F) conducting ongoing performance and
9 quality evaluations to identify collaborative ac-
10 tivities that improve clinical outcomes for stroke
11 patients.

12 “(2) ESTABLISHMENT OF CONSORTIUM.—The
13 Secretary may not make a grant to a State under
14 this section unless the State agrees to establish a
15 consortium of public and private entities, including
16 universities and academic medical centers, to carry
17 out the activities described in paragraph (1).

18 “(3) PROHIBITION.—The Secretary may not
19 make a grant under this section to a State that has
20 an existing telehealth network that is or may be
21 used for improving stroke prevention, diagnosis,
22 treatment, and rehabilitation, or to a consortium lo-
23 cated in such a State, unless the State or consor-
24 tium agrees that—

1 “(A) the State or consortium will use an
2 existing telehealth network to achieve the pur-
3 pose of the grant; and

4 “(B) the State or consortium will not es-
5 tablish a separate network for such purpose.

6 “(e) PRIORITY.—In selecting grant recipients under
7 this section, the Secretary shall give priority to any appli-
8 cant that submits a plan demonstrating how the applicant,
9 and where applicable the members of the consortium de-
10 scribed in subsection (d)(2), will use the grant to improve
11 access to high-quality stroke care for populations with
12 shortages of stroke-care specialists and populations with
13 a high incidence of stroke.

14 “(f) GRANT PERIOD.—The Secretary may not award
15 a grant to a State or a consortium under this section for
16 any period that—

17 “(1) is greater than 3 years; or

18 “(2) extends beyond the end of fiscal year
19 2012.

20 “(g) RESTRICTION ON NUMBER OF GRANTS.—In
21 carrying out the 5-year pilot project under this section,
22 the Secretary may not award more than 7 grants.

23 “(h) APPLICATION.—To seek a grant under this sec-
24 tion, a State or a consortium of public and private entities
25 shall submit an application to the Secretary in such form,

1 in such manner, and containing such information as the
2 Secretary may require. At a minimum, the Secretary shall
3 require each such application to outline how the State or
4 consortium will establish baseline measures and bench-
5 marks to evaluate program outcomes.

6 “(i) DEFINITION.—In this section, the term ‘stroke’
7 means a ‘brain attack’ in which blood flow to the brain
8 is interrupted or in which a blood vessel or aneurysm in
9 the brain breaks or ruptures.

10 “(j) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to carry out this section
12 \$10,000,000 for fiscal year 2009, \$13,000,000 for fiscal
13 year 2010, \$15,000,000 for fiscal year 2011, \$8,000,000
14 for fiscal year 2012, and \$4,000,000 for fiscal year
15 2013.”.

16 (b) STUDY; REPORTS.—

17 (1) FINAL REPORT.—Not later than March 31,
18 2014, the Secretary of Health and Human Services
19 shall conduct a study of the results of the telehealth
20 stroke treatment grant program under section 330M
21 of the Public Health Service Act (added by sub-
22 section (a)) and submit to the Congress a report on
23 such results that includes the following:

1 (A) An evaluation of the grant program
2 outcomes, including quantitative analysis of
3 baseline and benchmark measures.

4 (B) Recommendations on how to promote
5 stroke networks in ways that improve access to
6 clinical care in rural and urban areas and re-
7 duce the incidence of stroke and the debilitating
8 and costly complications resulting from stroke.

9 (C) Recommendations on whether similar
10 telehealth grant programs could be used to im-
11 prove patient outcomes in other public health
12 areas.

13 (2) INTERIM REPORTS.—The Secretary of
14 Health and Human Services may provide interim re-
15 ports to the Congress on the telehealth stroke treat-
16 ment grant program under section 330M of the
17 Public Health Service Act (added by subsection (a))
18 at such intervals as the Secretary determines to be
19 appropriate.

20 **SEC. 1204. RULE OF CONSTRUCTION.**

21 Nothing in this subtitle shall be construed to author-
22 ize the Secretary of Health and Human Services to estab-
23 lish Federal standards for the treatment of patients or the
24 licensure of health care professionals.

1 **Subtitle D—Melanie Blocker Stokes**
 2 **MOTHERS Act**

3 **SEC. 1301. SHORT TITLE.**

4 This title may be cited as the “Melanie Blocker
 5 Stokes Mom’s Opportunity to Access Health, Education,
 6 Research, and Support for Postpartum Depression Act”
 7 or the “Melanie Blocker Stokes MOTHERS Act”.

8 **PART I—RESEARCH ON POSTPARTUM**
 9 **CONDITIONS**

10 **SEC. 1311. EXPANSION AND INTENSIFICATION OF ACTIVI-**
 11 **TIES.**

12 (a) DEFINITIONS.—For purposes of this subtitle—

13 (1) the term “postpartum conditions” means
 14 postpartum depression and postpartum psychosis;
 15 and

16 (2) the term “Secretary” means the Secretary
 17 of Health and Human Services.

18 (b) CONTINUATION OF ACTIVITIES.—The Secretary
 19 is encouraged to continue activities on postpartum condi-
 20 tions.

21 (c) PROGRAMS FOR POSTPARTUM CONDITIONS.—In
 22 carrying out subsection (b), the Secretary is encouraged
 23 to continue research to expand the understanding of the
 24 causes of, and treatments for, postpartum conditions. Ac-

1 tivities under such subsection shall include conducting and
2 supporting the following:

3 (1) Basic research concerning the etiology and
4 causes of the conditions.

5 (2) Epidemiological studies to address the fre-
6 quency and natural history of the conditions and the
7 differences among racial and ethnic groups with re-
8 spect to the conditions.

9 (3) The development of improved screening and
10 diagnostic techniques.

11 (4) Clinical research for the development and
12 evaluation of new treatments.

13 (5) Information and education programs for
14 health care professionals and the public, which may
15 include a coordinated national campaign to increase
16 the awareness and knowledge of postpartum condi-
17 tions. Activities under such a national campaign
18 may—

19 (A) include public service announcements
20 through television, radio, and other means; and

21 (B) focus on—

22 (i) raising awareness about screening;

23 (ii) educating new mothers and their
24 families about postpartum conditions to

1 promote earlier diagnosis and treatment;
 2 and
 3 (iii) ensuring that such education in-
 4 cludes complete information concerning
 5 postpartum conditions, including its symp-
 6 toms, methods of coping with the illness,
 7 and treatment resources.

8 **SEC. 1312. SENSE OF CONGRESS REGARDING LONGITU-**
 9 **DINAL STUDY OF RELATIVE MENTAL HEALTH**
 10 **CONSEQUENCES FOR WOMEN OF RESOLVING**
 11 **A PREGNANCY.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
 13 gress that the Director of the National Institute of Mental
 14 Health may conduct a nationally representative longitu-
 15 dinal study (during the period of fiscal years 2008 through
 16 2018) of the relative mental health consequences for
 17 women of resolving a pregnancy (intended and unin-
 18 tended) in various ways, including carrying the pregnancy
 19 to term and parenting the child, carrying the pregnancy
 20 to term and placing the child for adoption, miscarriage,
 21 and having an abortion. This study may assess the inci-
 22 dence, timing, magnitude, and duration of the immediate
 23 and long-term mental health consequences (positive or
 24 negative) of these pregnancy outcomes.

1 (b) REPORT.—Subject to the completion of the study
 2 under subsection (a), beginning not later than 5 years
 3 after the date of the enactment of this Act, and periodi-
 4 cally thereafter for the duration of the study, such Direc-
 5 tor may prepare and submit to the Congress reports on
 6 the findings of the study.

7 **PART II—DELIVERY OF SERVICES REGARDING**
 8 **POSTPARTUM CONDITIONS**

9 **SEC. 1321. ESTABLISHMENT OF PROGRAM OF GRANTS.**

10 (a) IN GENERAL.—The Secretary may in accordance
 11 with this part make grants to provide for projects for the
 12 establishment, operation, and coordination of effective and
 13 cost-efficient systems for the delivery of essential services
 14 to individuals with a postpartum condition and their fami-
 15 lies.

16 (b) RECIPIENTS OF GRANT.—A grant under sub-
 17 section (a) may be made to an entity only if the entity
 18 is a public or nonprofit private entity, which may include
 19 a State or local government, a public-private partnership,
 20 a recipient of a grant under the Healthy Start program
 21 under section 330H of the Public Health Service Act (42
 22 U.S.C. 254c–8), a public or nonprofit private hospital,
 23 community-based organization, hospice, ambulatory care
 24 facility, community health center, migrant health center,
 25 public housing primary care center, or homeless health

1 center, or any other appropriate public or nonprofit pri-
2 vate entity.

3 (c) CERTAIN ACTIVITIES.—To the extent practicable
4 and appropriate, the Secretary shall ensure that projects
5 under subsection (a) provide education and services with
6 respect to the diagnosis and management of postpartum
7 conditions. Activities that the Secretary may authorize for
8 such projects may also include the following:

9 (1) Delivering or enhancing outpatient and
10 home-based health and support services, including
11 case management and comprehensive treatment
12 services for individuals with or at risk for
13 postpartum conditions, and delivering or enhancing
14 support services for their families.

15 (2) Delivering or enhancing inpatient care man-
16 agement services that ensure the well-being of the
17 mother and family and the future development of
18 the infant.

19 (3) Improving the quality, availability, and or-
20 ganization of health care and support services (in-
21 cluding transportation services, attendant care,
22 homemaker services, day or respite care, and pro-
23 viding counseling on financial assistance and insur-
24 ance) for individuals with a postpartum condition
25 and support services for their families.

1 (4) Providing education to new mothers and, as
2 appropriate, their families about postpartum condi-
3 tions to promote earlier diagnosis and treatment.

4 Such education may include—

5 (A) providing complete information on
6 postpartum conditions, symptoms, methods of
7 coping with the illness, and treatment re-
8 sources; and

9 (B) in the case of a grantee that is a
10 State, hospital, or birthing facility—

11 (i) providing education to new moth-
12 ers and fathers, and other family members
13 as appropriate, concerning postpartum
14 conditions before new mothers leave the
15 health facility; and

16 (ii) ensuring that training programs
17 regarding such education are carried out
18 at the health facility.

19 (d) INTEGRATION WITH OTHER PROGRAMS.—To the
20 extent practicable and appropriate, the Secretary may in-
21 tegrate the program under this part with other grant pro-
22 grams carried out by the Secretary, including the program
23 under section 330 of the Public Health Service Act.

1 **SEC. 1322. CERTAIN REQUIREMENTS.**

2 A grant may be made under section 1321 only if the
3 applicant involved makes the following agreements:

4 (1) Not more than 5 percent of the grant will
5 be used for administration, accounting, reporting,
6 and program oversight functions.

7 (2) The grant will be used to supplement and
8 not supplant funds from other sources related to the
9 treatment of postpartum conditions.

10 (3) The applicant will abide by any limitations
11 deemed appropriate by the Secretary on any charges
12 to individuals receiving services pursuant to the
13 grant. As deemed appropriate by the Secretary, such
14 limitations on charges may vary based on the finan-
15 cial circumstances of the individual receiving serv-
16 ices.

17 (4) The grant will not be expended to make
18 payment for services authorized under section
19 1321(a) to the extent that payment has been made,
20 or can reasonably be expected to be made, with re-
21 spect to such services—

22 (A) under any State compensation pro-
23 gram, under an insurance policy, or under any
24 Federal or State health benefits program; or

25 (B) by an entity that provides health serv-
26 ices on a prepaid basis.

1 (5) The applicant will, at each site at which the
 2 applicant provides services under section 1321(a),
 3 post a conspicuous notice informing individuals who
 4 receive the services of any Federal policies that
 5 apply to the applicant with respect to the imposition
 6 of charges on such individuals.

7 (6) For each grant period, the applicant will
 8 submit to the Secretary a report that describes how
 9 grant funds were used during such period.

10 **SEC. 1323. TECHNICAL ASSISTANCE.**

11 The Secretary may provide technical assistance to as-
 12 sist entities in complying with the requirements of this
 13 part in order to make such entities eligible to receive
 14 grants under section 1321.

15 **PART III—GENERAL PROVISIONS**

16 **SEC. 1331. AUTHORIZATION OF APPROPRIATIONS.**

17 To carry out this subtitle and the amendments made
 18 by this subtitle, there are authorized to be appropriated,
 19 in addition to such other sums as may be available for
 20 such purpose—

21 (1) \$3,000,000 for fiscal year 2009; and

22 (2) such sums as may be necessary for fiscal
 23 years 2010 and 2011.

1 **SEC. 1332. REPORT BY THE SECRETARY.**

2 (a) STUDY.—The Secretary shall conduct a study on
3 the benefits of screening for postpartum conditions.

4 (b) REPORT.—Not later than 2 years after the date
5 of the enactment of this Act, the Secretary shall complete
6 the study required by subsection (a) and submit a report
7 to the Congress on the results of such study.

8 **SEC. 1333. LIMITATION.**

9 Notwithstanding any other provision of this subtitle,
10 the Secretary may not utilize amounts made available
11 under subtitle to carry out activities or programs that are
12 duplicative of activities or programs that are currently
13 being carried out through the Department of Health and
14 Human Services.

15 **Subtitle E—Vision Care for Kids**
16 **Act of 2008**

17 **SEC. 1401. SHORT TITLE.**

18 The subtitle may be cited as the “Vision Care for
19 Kids Act of 2008”.

20 **SEC. 1402. FINDINGS.**

21 Congress makes the following findings:

22 (1) Millions of children in the United States
23 suffer from vision problems, many of which go unde-
24 tected. Because children with vision problems can
25 struggle developmentally, resulting in physical, emo-
26 tional, and social consequences, good vision is essen-

1 tial for proper physical development and educational
2 progress.

3 (2) Vision problems in children range from
4 common conditions such as refractive errors, ambly-
5 opia, strabismus, ocular trauma, and infections, to
6 rare but potentially life- or sight-threatening prob-
7 lems such as retinoblastoma, infantile cataracts, con-
8 genital glaucoma, and genetic or metabolic diseases
9 of the eye.

10 (3) Since many serious ocular conditions are
11 treatable if identified in the preschool and early
12 school-age years, early detection provides the best
13 opportunity for effective treatment and can have far-
14 reaching implications for vision.

15 (4) Various identification methods, including vi-
16 sion screening and comprehensive eye examinations
17 required by State laws, can be helpful in identifying
18 children needing services. A child identified as need-
19 ing services through vision screening should receive
20 a comprehensive eye examination followed by subse-
21 quent treatment as needed. Any child identified as
22 needing services should have access to subsequent
23 treatment as needed.

24 (5) There is a need to increase public awareness
25 about the prevalence and devastating consequences

1 of vision disorders in children and to educate the
 2 public and health care providers about the warning
 3 signs and symptoms of ocular and vision disorders
 4 and the benefits of early detection, evaluation, and
 5 treatment.

6 **SEC. 1403. GRANTS REGARDING VISION CARE FOR CHIL-**
 7 **DREN.**

8 (a) IN GENERAL.—The Secretary of Health and
 9 Human Services (referred to in this section as the “Sec-
 10 retary”), acting through the Director of the Centers for
 11 Disease Control and Prevention, may award grants to
 12 States on the basis of an established review process for
 13 the purpose of complementing existing State efforts for—

14 (1) providing comprehensive eye examinations
 15 by a licensed optometrist or ophthalmologist for chil-
 16 dren who have been previously identified through a
 17 vision screening or eye examination by a licensed
 18 health care provider or vision screener as needing
 19 such services, with priority given to children who are
 20 under the age of 9 years;

21 (2) providing treatment or services, subsequent
 22 to the examinations described in paragraph (1), nec-
 23 essary to correct vision problems; and

24 (3) developing and disseminating, to parents,
 25 teachers, and health care practitioners, educational

1 materials on recognizing signs of visual impairment
2 in children.

3 (b) CRITERIA AND COORDINATION.—

4 (1) CRITERIA.—The Secretary, in consultation
5 with appropriate professional and patient organiza-
6 tions including individuals with knowledge of age ap-
7 propriate vision services, shall develop criteria—

8 (A) governing the operation of the grant
9 program under subsection (a); and

10 (B) for the collection of data related to vi-
11 sion assessment and the utilization of follow-up
12 services.

13 (2) COORDINATION.—The Secretary shall, as
14 appropriate, coordinate the program under sub-
15 section (a) with the program under section 330 of
16 the Public Health Service Act (relating to health
17 centers) (42 U.S.C. 254b), the program under title
18 XIX of the Social Security Act (relating to the Med-
19 icaid program) (42 U.S.C. 1396 et seq.), the pro-
20 gram under title XXI of such Act (relating to the
21 State children's health insurance program) (42
22 U.S.C. 1397aa et seq.), and with other Federal or
23 State programs that provide services to children.

24 (c) APPLICATION.—To be eligible to receive a grant
25 under subsection (a), a State shall submit to the Secretary

1 an application in such form, made in such manner, and
2 containing such information as the Secretary may require,
3 including—

4 (1) information on existing Federal, Federal-
5 State, or State-funded children’s vision programs;

6 (2) a plan for the use of grant funds, including
7 how funds will be used to complement existing State
8 efforts (including possible partnerships with non-
9 profit entities);

10 (3) a plan to determine if a grant eligible child
11 has been identified as provided for in subsection (a);
12 and

13 (4) a description of how funds will be used to
14 provide items or services, only as a secondary
15 payer—

16 (A) for an eligible child, to the extent that
17 the child is not covered for the items or services
18 under any State compensation program, under
19 an insurance policy, or under any Federal or
20 State health benefits program; or

21 (B) for an eligible child, to the extent that
22 the child receives the items or services from an
23 entity that provides health services on a prepaid
24 basis.

1 (d) EVALUATIONS.—To be eligible to receive a grant
2 under subsection (a), a State shall agree that, not later
3 than 1 year after the date on which amounts under the
4 grant are first received by the State, and annually there-
5 after while receiving amounts under the grant, the State
6 will submit to the Secretary an evaluation of the oper-
7 ations and activities carried out under the grant, includ-
8 ing—

9 (1) an assessment of the utilization of vision
10 services and the status of children receiving these
11 services as a result of the activities carried out
12 under the grant;

13 (2) the collection, analysis, and reporting of
14 children's vision data according to guidelines pre-
15 scribed by the Secretary; and

16 (3) such other information as the Secretary
17 may require.

18 (e) LIMITATIONS IN EXPENDITURE OF GRANT.—A
19 grant may be made under subsection (a) only if the State
20 involved agrees that the State will not expend more than
21 20 percent of the amount received under the grant to
22 carry out the purpose described in paragraph (3) of such
23 subsection.

24 (f) MATCHING FUNDS.—

1 (1) IN GENERAL.—With respect to the costs of
 2 the activities to be carried out with a grant under
 3 subsection (a), a condition for the receipt of the
 4 grant is that the State involved agrees to make
 5 available (directly or through donations from public
 6 or private entities) non-Federal contributions toward
 7 such costs in an amount that is not less than 25
 8 percent of such costs.

9 (2) DETERMINATION OF AMOUNT CONTRIB-
 10 UTED.—Non-Federal contributions required in para-
 11 graph (1) may be in cash or in kind, fairly evalu-
 12 ated, including plant, equipment, or services.
 13 Amounts provided by the Federal Government, or
 14 services assisted or subsidized to any significant ex-
 15 tent by the Federal Government, may not be in-
 16 cluded in determining the amount of such non-Fed-
 17 eral contributions.

18 (g) DEFINITION.—For purposes of this section, the
 19 term “comprehensive eye examination” includes an assess-
 20 ment of a patient’s history, general medical observation,
 21 external and ophthalmoscopic examination, visual acuity,
 22 ocular alignment and motility, refraction, and as appro-
 23 priate, binocular vision or gross visual fields, performed
 24 by an optometrist or an ophthalmologist.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—For the
 2 purpose of carrying out this section, there is authorized
 3 to be appropriated \$65,000,000 for the period of fiscal
 4 years 2009 through 2013.

5 **Subtitle F—Prenatally and**
 6 **Postnatally Diagnosed Condi-**
 7 **tions Awareness Act**

8 **SEC. 1501. SHORT TITLE.**

9 This subtitle may be cited As the “Prenatally and
 10 Postnatally Diagnosed Conditions Awareness Act”.

11 **SEC. 1502. PURPOSES.**

12 It is the purpose of this subtitle to—

13 (1) increase patient referrals to providers of key
 14 support services for women who have received a
 15 positive diagnosis for Down syndrome, or other pre-
 16 natally or postnatally diagnosed conditions, as well
 17 as to provide up-to-date information on the range of
 18 outcomes for individuals living with the diagnosed
 19 condition, including physical, developmental, edu-
 20 cational, and psychosocial outcomes;

21 (2) strengthen existing networks of support
 22 through the Centers for Disease Control and Preven-
 23 tion, the Health Resources and Services Administra-
 24 tion, and other patient and provider outreach pro-
 25 grams; and

1 (3) ensure that patients receive up-to-date, evi-
 2 dence-based information about the accuracy of the
 3 test.

4 **SEC. 1503. AMENDMENT TO THE PUBLIC HEALTH SERVICE**
 5 **ACT.**

6 Part P of title III of the Public Health Service Act
 7 (42 U.S.C. 280g et seq.), as amended by section 1002,
 8 is further amended by adding at the end the following:

9 **“SEC. 399S. SUPPORT FOR PATIENTS RECEIVING A POSI-**
 10 **TIVE DIAGNOSIS OF DOWN SYNDROME OR**
 11 **OTHER PRENATALLY OR POSTNATALLY DIAG-**
 12 **NOSED CONDITIONS.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) DOWN SYNDROME.—The term ‘Down syn-
 15 drome’ refers to a chromosomal disorder caused by
 16 an error in cell division that results in the presence
 17 of an extra whole or partial copy of chromosome 21.

18 “(2) HEALTH CARE PROVIDER.—The term
 19 ‘health care provider’ means any person or entity re-
 20 quired by State or Federal law or regulation to be
 21 licensed, registered, or certified to provide health
 22 care services, and who is so licensed, registered, or
 23 certified.

24 “(3) POSTNATALLY DIAGNOSED CONDITION.—
 25 The term ‘postnatally diagnosed condition’ means

1 any health condition identified during the 12-month
2 period beginning at birth.

3 “(4) PRENATALLY DIAGNOSED CONDITION.—

4 The term ‘prenatally diagnosed condition’ means any
5 fetal health condition identified by prenatal genetic
6 testing or prenatal screening procedures.

7 “(5) PRENATAL TEST.—The term ‘prenatal
8 test’ means diagnostic or screening tests offered to
9 pregnant women seeking routine prenatal care that
10 are administered on a required or recommended
11 basis by a health care provider based on medical his-
12 tory, family background, ethnic background, pre-
13 vious test results, or other risk factors.

14 “(b) INFORMATION AND SUPPORT SERVICES.—

15 “(1) IN GENERAL.—The Secretary, acting
16 through the Director of the National Institutes of
17 Health, the Director of the Centers for Disease Con-
18 trol and Prevention, or the Administrator of the
19 Health Resources and Services Administration, may
20 authorize and oversee certain activities, including the
21 awarding of grants, contracts or cooperative agree-
22 ments to eligible entities, to—

23 “(A) collect, synthesize, and disseminate
24 current evidence-based information relating to

1 Down syndrome or other prenatally or
2 postnatally diagnosed conditions; and

3 “(B) coordinate the provision of, and ac-
4 cess to, new or existing supportive services for
5 patients receiving a positive diagnosis for Down
6 syndrome or other prenatally or postnatally di-
7 agnosed conditions, including—

8 “(i) the establishment of a resource
9 telephone hotline accessible to patients re-
10 ceiving a positive test result or to the par-
11 ents of newly diagnosed infants with Down
12 syndrome and other diagnosed conditions;

13 “(ii) the expansion and further devel-
14 opment of the National Dissemination
15 Center for Children with Disabilities, so
16 that such Center can more effectively con-
17 duct outreach to new and expecting par-
18 ents and provide them with up-to-date in-
19 formation on the range of outcomes for in-
20 dividuals living with the diagnosed condi-
21 tion, including physical, developmental,
22 educational, and psychosocial outcomes;

23 “(iii) the expansion and further devel-
24 opment of national and local peer-support
25 programs, so that such programs can more

effectively serve women who receive a positive diagnosis for Down syndrome or other prenatal conditions or parents of infants with a postnatally diagnosed condition;

“(iv) the establishment of a national registry, or network of local registries, of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions, with families willing to adopt; and

“(v) the establishment of awareness and education programs for health care providers who provide, interpret, or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions, to patients, consistent with the purpose described in section 2(b)(1) of the Prenatally and Postnatally Diagnosed Conditions Awareness Act.

“(2) ELIGIBLE ENTITY.—In this subsection, the term ‘eligible entity’ means—

1 “(A) a State or a political subdivision of a
2 State;

3 “(B) a consortium of 2 or more States or
4 political subdivisions of States;

5 “(C) a territory;

6 “(D) a health facility or program operated
7 by or pursuant to a contract with or grant from
8 the Indian Health Service; or

9 “(E) any other entity with appropriate ex-
10 pertise in prenatally and postnatally diagnosed
11 conditions (including nationally recognized dis-
12 ability groups), as determined by the Secretary.

13 “(3) DISTRIBUTION.—In distributing funds
14 under this subsection, the Secretary shall place an
15 emphasis on funding partnerships between health
16 care professional groups and disability advocacy or-
17 ganizations.

18 “(c) PROVISION OF INFORMATION TO PROVIDERS.—

19 “(1) IN GENERAL.—A grantee under this sec-
20 tion shall make available to health care providers of
21 parents who receive a prenatal or postnatal diag-
22 nosis the following:

23 “(A) Up-to-date, evidence-based, written
24 information concerning the range of outcomes
25 for individuals living with the diagnosed condi-

tion, including physical, developmental, educational, and psychosocial outcomes.

“(B) Contact information regarding support services, including information hotlines specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, national and local peer support groups, and other education and support programs as described in subsection (b)(2).

“(2) INFORMATIONAL REQUIREMENTS.—Information provided under this subsection shall be—

“(A) culturally and linguistically appropriate as needed by women receiving a positive prenatal diagnosis or the family of infants receiving a postnatal diagnosis; and

“(B) approved by the Secretary.

“(d) REPORT.—Not later than 2 years after the date of enactment of this section, the Government Accountability Office shall submit a report to Congress concerning the effectiveness of current healthcare and family support programs serving as resources for the families of children with disabilities.”.

1 **TITLE II—JUDICIARY**
2 **PROVISIONS**
3 **Subtitle A—Reconnecting Homeless**
4 **Youth Act of 2008**

5 **SEC. 2101. SHORT TITLE.**

6 This subtitle may be cited as the “Reconnecting
7 Homeless Youth Act of 2008”.

8 **SEC. 2102. FINDINGS.**

9 Section 302 of the Runaway and Homeless Youth Act
10 (42 U.S.C. 5701) is amended—

11 (1) by redesignating paragraphs (3), (4), and
12 (5) as paragraphs (4), (5), and (6), respectively; and
13 (2) by inserting after paragraph (2) the fol-
14 lowing:

15 “(3) services to such young people should be de-
16 veloped and provided using a positive youth develop-
17 ment approach that ensures a young person a sense
18 of—

19 “(A) safety and structure;

20 “(B) belonging and membership;

21 “(C) self-worth and social contribution;

22 “(D) independence and control over one’s
23 life; and

24 “(E) closeness in interpersonal relation-
25 ships.”.

1 **SEC. 2103. BASIC CENTER PROGRAM.**

2 (a) SERVICES PROVIDED.—Section 311 of the Run-
 3 away and Homeless Youth Act (42 U.S.C. 5711) is
 4 amended—

5 (1) in subsection (a)(2)(B), by striking clause
 6 (i) and inserting the following:

7 “(i) safe and appropriate shelter pro-
 8 vided for not to exceed 21 days; and”; and

9 (2) in subsection (b)(2)—

10 (A) by striking “(2) The” and inserting
 11 “(2)(A) Except as provided in subparagraph
 12 (B), the”;

13 (B) by striking “\$100,000” and inserting
 14 “\$200,000”;

15 (C) by striking “\$45,000” and inserting
 16 “\$70,000”; and

17 (D) by adding at the end the following:

18 “(B) For fiscal years 2009 and 2010, the amount al-
 19 lotted under paragraph (1) with respect to a State for a
 20 fiscal year shall be not less than the amount allotted under
 21 paragraph (1) with respect to such State for fiscal year
 22 2008.

23 “(C) Whenever the Secretary determines that any
 24 part of the amount allotted under paragraph (1) to a State
 25 for a fiscal year will not be obligated before the end of

1 the fiscal year, the Secretary shall reallocate such part to the
2 remaining States for obligation for the fiscal year.”.

3 (b) ELIGIBILITY.—Section 312(b) of the Runaway
4 and Homeless Youth Act (42 U.S.C. 5712(b)) is amend-
5 ed—

6 (1) in paragraph (11), by striking “and” at the
7 end;

8 (2) in paragraph (12), by striking the period
9 and inserting “; and”; and

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

11 “(13) shall develop an adequate emergency pre-
12 paredness and management plan.”.

13 **SEC. 2104. TRANSITIONAL LIVING GRANT PROGRAM.**

14 (a) ELIGIBILITY.—Section 322(a) of the Runaway
15 and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amend-
16 ed—

17 (1) in paragraph (1)—

18 (A) by striking “directly or indirectly” and
19 inserting “by grant, agreement, or contract”;
20 and

21 (B) by striking “services” the first place it
22 appears and inserting “provide, by grant, agree-
23 ment, or contract, services,”;

24 (2) in paragraph (2), by striking “a continuous
25 period not to exceed 540 days, except that” and all

1 that follows and inserting the following: “a contin-
 2 uous period not to exceed 635 days, except that a
 3 youth in a program under this part who has not
 4 reached 18 years of age on the last day of the 635-
 5 day period may, if otherwise qualified for the pro-
 6 gram, remain in the program until the youth’s 18th
 7 birthday;”;

8 (3) in paragraph (14), by striking “and” at the
 9 end;

10 (4) in paragraph (15), by striking the period
 11 and inserting “; and”; and

12 (5) by adding at the end the following:

13 “(16) to develop an adequate emergency pre-
 14 paredness and management plan.”.

15 **SEC. 2105. GRANTS FOR RESEARCH EVALUATION, DEM-**
 16 **ONSTRATION, AND SERVICE PROJECTS.**

17 Section 343 of the Runaway and Homeless Youth Act
 18 (42 U.S.C. 5714–23) is amended—

19 (1) in subsection (b)—

20 (A) in the matter preceding paragraph (1),
 21 by striking “special consideration” and insert-
 22 ing “priority”;

23 (B) in paragraph (8)—

24 (i) by striking “to health” and insert-
 25 ing “to quality health”;

1 (ii) by striking “mental health care”

2 and inserting “behavioral health care”; and

3 (iii) by striking “and” at the end;

4 (C) in paragraph (9), by striking the pe-

5 riod at the end and inserting “, including access

6 to educational and workforce programs to

7 achieve outcomes such as decreasing secondary

8 school dropout rates, increasing rates of attain-

9 ing a secondary school diploma or its recognized

10 equivalent, or increasing placement and reten-

11 tion in postsecondary education or advanced

12 workforce training programs; and”;

13 (D) by adding at the end the following:

14 “(10) providing programs, including innovative

15 programs, that assist youth in obtaining and main-

16 taining safe and stable housing, and which may in-

17 clude programs with supportive services that con-

18 tinue after the youth complete the remainder of the

19 programs.”;

20 (2) by striking subsection (c) and inserting the

21 following:

22 “(c) In selecting among applicants for grants under

23 subsection (a), the Secretary shall—

24 “(1) give priority to applicants who have experi-

25 ence working with runaway or homeless youth; and

1 “(2) ensure that the applicants selected—

2 “(A) represent diverse geographic regions
3 of the United States; and

4 “(B) carry out projects that serve diverse
5 populations of runaway or homeless youth.”.

6 **SEC. 2106. COORDINATING, TRAINING, RESEARCH, AND**
7 **OTHER ACTIVITIES.**

8 Part D of the Runaway and Homeless Youth Act (42
9 U.S.C. 5714–21 et seq.) is amended by adding at the end
10 the following:

11 **“SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVA-**
12 **LENCE OF YOUTH HOMELESSNESS.**

13 “(a) PERIODIC ESTIMATE.—Not later than 2 years
14 after the date of enactment of the Reconnecting Homeless
15 Youth Act of 2008, and at 5-year intervals thereafter, the
16 Secretary, in consultation with the United States Inter-
17 agency Council on Homelessness, shall prepare and submit
18 to the Committee on Education and Labor of the House
19 of Representatives and the Committee on the Judiciary
20 of the Senate, and make available to the public, a report—

21 “(1) by using the best quantitative and quali-
22 tative social science research methods available, con-
23 taining an estimate of the incidence and prevalence
24 of runaway and homeless individuals who are not

1 less than 13 years of age but are less than 26 years
2 of age; and

3 “(2) that includes with such estimate an assess-
4 ment of the characteristics of such individuals.

5 “(b) CONTENT.—The report required by subsection
6 (a) shall include—

7 “(1) the results of conducting a survey of, and
8 direct interviews with, a representative sample of
9 runaway and homeless individuals who are not less
10 than 13 years of age but are less than 26 years of
11 age, to determine past and current—

12 “(A) socioeconomic characteristics of such
13 individuals; and

14 “(B) barriers to such individuals obtain-
15 ing—

16 “(i) safe, quality, and affordable hous-
17 ing;

18 “(ii) comprehensive and affordable
19 health insurance and health services; and

20 “(iii) incomes, public benefits, sup-
21 portive services, and connections to caring
22 adults; and

23 “(2) such other information as the Secretary
24 determines, in consultation with States, units of
25 local government, and national nongovernmental or-

1 organizations concerned with homelessness, may be
2 useful.

3 “(c) IMPLEMENTATION.—If the Secretary enters into
4 any contract with a non-Federal entity for purposes of car-
5 rying out subsection (a), such entity shall be a nongovern-
6 mental organization, or an individual, determined by the
7 Secretary to have appropriate expertise in quantitative
8 and qualitative social science research.”.

9 **SEC. 2107. SEXUAL ABUSE PREVENTION PROGRAM.**

10 Section 351(b) of the Runaway and Homeless Youth
11 Act (42 U.S.C. 5714–41(b)) is amended by inserting
12 “public and” after “priority to”.

13 **SEC. 2108. NATIONAL HOMELESS YOUTH AWARENESS CAM-**
14 **PAIGN.**

15 The Runaway and Homeless Youth Act (42 U.S.C.
16 5701 et seq.) is amended—

17 (1) by redesignating part F as part G; and

18 (2) by inserting after part E the following:

19 **“PART F—NATIONAL HOMELESS YOUTH**
20 **AWARENESS CAMPAIGN**

21 **“SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAM-**
22 **PAIGN.**

23 “(a) IN GENERAL.—The Secretary shall, directly or
24 through grants or contracts, conduct a national homeless
25 youth awareness campaign (referred to in this section as

1 the ‘national awareness campaign’) in accordance with
2 this section for purposes of—

3 “(1) increasing awareness of individuals of all
4 ages, socioeconomic backgrounds, and geographic lo-
5 cations, of the issues facing runaway and homeless
6 youth, the resources available for these youth, and
7 the tools available for the prevention of runaway and
8 homeless youth situations; and

9 “(2) encouraging parents, guardians, educators,
10 health care professionals, social service professionals,
11 law enforcement officials, and other community
12 members to seek to prevent runaway youth and
13 youth homelessness by assisting youth in averting or
14 resolving runaway and homeless youth situations.

15 “(b) USE OF FUNDS.—Funds made available to carry
16 out this section for the national awareness campaign may
17 be used only for the following:

18 “(1) The dissemination of educational informa-
19 tion and materials through various media, including
20 television, radio, the Internet and related tech-
21 nologies, and emerging technologies.

22 “(2) Partnerships, including outreach activities,
23 with national organizations concerned with youth
24 homelessness, community-based youth service orga-
25 nizations (including faith-based organizations), and

1 government organizations, related to the national
2 awareness campaign.

3 “(3) In accordance with applicable laws (includ-
4 ing regulations), the development and placement of
5 public service announcements, in telecommunications
6 media, including the Internet and related tech-
7 nologies and emerging technologies, that educate the
8 public on—

9 “(A) the issues facing runaway and home-
10 less youth (or youth considering running away);
11 and

12 “(B) the opportunities that adults have to
13 assist youth described in subparagraph (A).

14 “(4) Evaluation of the effectiveness of the na-
15 tional awareness campaign.

16 “(c) PROHIBITIONS.—None of the funds made avail-
17 able under section 388(a)(5) may be obligated or expended
18 for any of the following:

19 “(1) For activities that supplant pro bono pub-
20 lic service time donated by national or local broad-
21 casting networks, advertising agencies, or production
22 companies, or supplant other pro bono work for the
23 national awareness campaign.

24 “(2) For partisan political purposes, or express
25 advocacy in support of or to defeat any clearly iden-

1 tified candidate, clearly identified ballot initiative, or
 2 clearly identified legislative or regulatory proposal.

3 “(3) To fund advertising that features any per-
 4 son seeking elected office.

5 “(4) To fund advertising that does not contain
 6 a primary message intended to educate the public
 7 on—

8 “(A) the issues facing runaway and home-
 9 less youth (or youth considering running away);
 10 and

11 “(B) on the opportunities that adults have
 12 to help youth described in subparagraph (A).

13 “(5) To fund advertising that solicits contribu-
 14 tions to support the national awareness campaign.

15 “(d) FINANCIAL AND PERFORMANCE ACCOUNT-
 16 ABILITY.—The Secretary shall perform—

17 “(1) audits and reviews of costs of the national
 18 awareness campaign, pursuant to section 304C of
 19 the Federal Property and Administrative Services
 20 Act of 1949 (41 U.S.C. 254d); and

21 “(2) an audit to determine whether the costs of
 22 the national awareness campaign are allowable
 23 under section 306 of such Act (41 U.S.C. 256).

24 “(e) REPORT.—The Secretary shall include in each
 25 report submitted under section 382 a summary of infor-

1 mation about the national awareness campaign that de-
 2 scribes—

3 “(1) the activities undertaken by the national
 4 awareness campaign;

5 “(2) steps taken to ensure that the national
 6 awareness campaign operates in an effective and ef-
 7 ficient manner consistent with the overall strategy
 8 and focus of the national awareness campaign; and

9 “(3) each grant made to, or contract entered
 10 into with, a particular corporation, partnership, or
 11 individual working on the national awareness cam-
 12 paign.”.

13 **SEC. 2109. CONFORMING AMENDMENTS.**

14 (a) **REPORTS.**—Section 382(a) of the Runaway and
 15 Homeless Youth Act (42 U.S.C. 5715(a)) is amended by
 16 striking “, and E” and inserting “, E, and F”.

17 (b) **CONSOLIDATED REVIEW.**—Section 385 of the
 18 Runaway and Homeless Youth Act (42 U.S.C. 5731a) is
 19 amended by striking “, and E” and inserting “, E, and
 20 F”.

21 (c) **EVALUATION AND INFORMATION.**—Section
 22 386(a) of the Runaway and Homeless Youth Act (42
 23 U.S.C. 5732(a)) is amended by striking “, or E” and in-
 24 serting “, E, or F”.

1 **SEC. 2110. PERFORMANCE STANDARDS.**

2 Part G of the Runaway and Homeless Youth Act (42
3 U.S.C. 5714a et seq.), as redesignated by section 2108,
4 is amended by inserting after section 386 the following:

5 **“SEC. 386A. PERFORMANCE STANDARDS.**

6 “(a) ESTABLISHMENT OF PERFORMANCE STAND-
7 ARDS.—Not later than 1 year after the date of enactment
8 of the Reconnecting Homeless Youth Act of 2008, the Sec-
9 retary shall issue rules that specify performance standards
10 for public and nonprofit private entities and agencies that
11 receive grants under sections 311, 321, and 351.

12 “(b) CONSULTATION.—The Secretary shall consult
13 with representatives of public and nonprofit private enti-
14 ties and agencies that receive grants under this title, in-
15 cluding statewide and regional nonprofit organizations (in-
16 cluding combinations of such organizations) that receive
17 grants under this title, and national nonprofit organiza-
18 tions concerned with youth homelessness, in developing
19 the performance standards required by subsection (a).

20 “(c) IMPLEMENTATION OF PERFORMANCE STAND-
21 ARDS.—The Secretary shall integrate the performance
22 standards into the processes of the Department of Health
23 and Human Services for grantmaking, monitoring, and
24 evaluation for programs under sections 311, 321, and
25 351.”.

1 **SEC. 2111. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
2 **AND REPORT.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Comptroller General of
5 the United States shall conduct a study, including
6 making findings and recommendations, relating to
7 the processes for making grants under parts A, B,
8 and E of the Runaway and Homeless Youth Act (42
9 U.S.C. 5711 et seq., 5714–1 et seq., 5714–41).

10 (2) SUBJECTS.—In particular, the Comptroller
11 General shall study—

12 (A) the Secretary’s written responses to
13 and other communications with applicants who
14 do not receive grants under part A, B, or E of
15 such Act, to determine if the information pro-
16 vided in the responses and communications is
17 conveyed clearly;

18 (B) the content and structure of the grant
19 application documents, and of other associated
20 documents (including grant announcements), to
21 determine if the requirements of the applica-
22 tions and other associated documents are pre-
23 sented and structured in a way that gives an
24 applicant a clear understanding of the informa-
25 tion that the applicant must provide in each
26 portion of an application to successfully com-

1 plete it, and a clear understanding of the termi-
2 nology used throughout the application and
3 other associated documents;

4 (C) the peer review process for applications
5 for the grants, including the selection of peer
6 reviewers, the oversight of the process by staff
7 of the Department of Health and Human Serv-
8 ices, and the extent to which such staff make
9 funding determinations based on the comments
10 and scores of the peer reviewers;

11 (D) the typical timeframe, and the process
12 and responsibilities of such staff, for responding
13 to applicants for the grants, and the efforts
14 made by such staff to communicate with the ap-
15 plicants when funding decisions or funding for
16 the grants is delayed, such as when funding is
17 delayed due to funding of a program through
18 appropriations made under a continuing resolu-
19 tion; and

20 (E) the plans for implementation of, and
21 the implementation of, where practicable, the
22 technical assistance and training programs car-
23 ried out under section 342 of the Runaway and
24 Homeless Youth Act (42 U.S.C. 5714–22), and

1 the effect of such programs on the application
2 process for the grants.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General shall
5 prepare and submit to the Committee on Education and
6 Labor of the House of Representatives and the Committee
7 on the Judiciary of the Senate a report containing the
8 findings and recommendations resulting from the study.

9 **SEC. 2112. DEFINITIONS.**

10 (a) HOMELESS YOUTH.—Section 387(3) of the Run-
11 away and Homeless Youth Act (42 U.S.C. 5732a(3)) is
12 amended—

13 (1) in the matter preceding subparagraph (A),
14 by striking “The” and all that follows through
15 “means” and inserting “The term ‘homeless’, used
16 with respect to a youth, means”; and

17 (2) in subparagraph (A)—

18 (A) in clause (i)—

19 (i) by striking “not more than” each
20 place it appears and inserting “less than”;
21 and

22 (ii) by inserting after “age” the last
23 place it appears the following: “, or is less
24 than a higher maximum age if the State
25 where the center is located has an applica-

1 ble State or local law (including a regula-
 2 tion) that permits such higher maximum
 3 age in compliance with licensure require-
 4 ments for child-and youth-serving facili-
 5 ties”; and

6 (B) in clause (ii), by striking “age;” and
 7 inserting the following: “age and either—

8 “(I) less than 22 years of age; or

9 “(II) not less than 22 years of
 10 age, as of the expiration of the max-
 11 imum period of stay permitted under
 12 section 322(a)(2) if such individual
 13 commences such stay before reaching
 14 22 years of age;”.

15 (b) RUNAWAY YOUTH.—Section 387 of the Runaway
 16 and Homeless Youth Act (42 U.S.C. 5732a) is amended—

17 (1) by redesignating paragraphs (4), (5), (6),
 18 and (7) as paragraphs (5), (6), (7), and (8), respec-
 19 tively; and

20 (2) by inserting after paragraph (3) the fol-
 21 lowing:

22 “(4) RUNAWAY YOUTH.—The term ‘runaway’,
 23 used with respect to a youth, means an individual
 24 who is less than 18 years of age and who absents
 25 himself or herself from home or a place of legal resi-

1 dence without the permission of a parent or legal
 2 guardian.”.

3 **SEC. 2113. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 388(a) of the Runaway and Homeless Youth
 5 Act (42 U.S.C. 5751(a)) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “is authorized” and insert-
 8 ing “are authorized”;

9 (B) by striking “part E) \$105,000,000 for
 10 fiscal year 2004” and inserting “section 345
 11 and parts E and F) \$150,000,000 for fiscal
 12 year 2009”; and

13 (C) by striking “2005, 2006, 2007, and
 14 2008” and inserting “2010, 2011, 2012, and
 15 2013”;

16 (2) in paragraph (3)—

17 (A) by striking “In” and inserting the fol-
 18 lowing:

19 “(A) IN GENERAL.—In”;

20 (B) by inserting “(other than section
 21 345)” before the period; and

22 (C) by adding at the end the following:

23 “(B) PERIODIC ESTIMATE.—There are au-
 24 thorized to be appropriated to carry out section

1 345 such sums as may be necessary for fiscal
2 years 2009, 2010, 2011, 2012, and 2013.”;

3 (3) in paragraph (4)—

4 (A) by striking “is authorized” and insert-
5 ing “are authorized”; and

6 (B) by striking “such sums as may be nec-
7 essary for fiscal years 2004, 2005, 2006, 2007,
8 and 2008” and inserting “\$30,000,000 for fis-
9 cal year 2009 and such sums as may be nec-
10 essary for fiscal years 2010, 2011, 2012, and
11 2013”; and

12 (4) by adding at the end the following:

13 “(5) PART F.—There are authorized to be ap-
14 propriated to carry out part F \$3,000,000 for fiscal
15 year 2009 and such sums as may be necessary for
16 fiscal years 2010, 2011, 2012, and 2013.”.

17 **Subtitle B—Emmett Till Unsolved**
18 **Civil Rights Crimes Act of 2007**

19 **SEC. 2201. SHORT TITLE.**

20 This subtitle may be cited as the “Emmett Till Un-
21 solved Civil Rights Crime Act of 2007”.

22 **SEC. 2202. SENSE OF CONGRESS.**

23 It is the sense of Congress that all authorities with
24 jurisdiction, including the Federal Bureau of Investigation

1 and other entities within the Department of Justice,
2 should—

3 (1) expeditiously investigate unsolved civil
4 rights murders, due to the amount of time that has
5 passed since the murders and the age of potential
6 witnesses; and

7 (2) provide all the resources necessary to ensure
8 timely and thorough investigations in the cases in-
9 volved.

10 **SEC. 2203. DEPUTY CHIEF OF THE CRIMINAL SECTION OF**
11 **THE CIVIL RIGHTS DIVISION.**

12 (a) IN GENERAL.—The Attorney General shall des-
13 ignate a Deputy Chief in the Criminal Section of the Civil
14 Rights Division of the Department of Justice (in this sub-
15 title referred to as the “Deputy Chief”).

16 (b) RESPONSIBILITY.—

17 (1) IN GENERAL.—The Deputy Chief shall be
18 responsible for coordinating the investigation and
19 prosecution of violations of criminal civil rights stat-
20 utes that occurred not later than December 31,
21 1969, and resulted in a death.

22 (2) COORDINATION.—In investigating a com-
23 plaint under paragraph (1), the Deputy Chief may
24 coordinate investigative activities with State and
25 local law enforcement officials.

1 (c) STUDY AND REPORT.—

2 (1) STUDY.—The Attorney General shall annu-
3 ally conduct a study of the cases under the jurisdic-
4 tion of the Deputy Chief or under the jurisdiction of
5 the Supervisory Special Agent and, in conducting
6 the study, shall determine—

7 (A) the number of open investigations
8 within the Department of Justice for violations
9 of criminal civil rights statutes that occurred
10 not later than December 31, 1969;

11 (B) the number of new cases opened pur-
12 suant to this subtitle since the most recent
13 study conducted under this paragraph;

14 (C) the number of unsealed Federal cases
15 charged within the study period, including the
16 case names, the jurisdiction in which the
17 charges were brought, and the date the charges
18 were filed;

19 (D) the number of cases referred by the
20 Department of Justice to a State or local law
21 enforcement agency or prosecutor within the
22 study period, the number of such cases that re-
23 sulted in State charges being filed, the jurisdic-
24 tion in which such charges were filed, the date
25 the charges were filed, and if a jurisdiction de-

clines to prosecute or participate in an investigation of a case so referred, the fact it did so;

(E) the number of cases within the study period that were closed without Federal prosecution, the case names of unsealed Federal cases, the dates the cases were closed, and the relevant Federal statutes;

(F) the number of attorneys who worked, in whole or in part, on any case described in subsection (b)(1); and

(G) the applications submitted for grants under section 2205, the award of such grants, and the purposes for which the grant amount were expended.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, and every 12 months thereafter, the Attorney General shall prepare and submit to Congress a report containing the results of the study conducted under paragraph (1).

SEC. 2204. SUPERVISORY SPECIAL AGENT IN THE CIVIL RIGHTS UNIT OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Attorney General shall designate a Supervisory Special Agent in the Civil Rights Unit of the Federal Bureau of Investigation of the Depart-

1 ment of Justice (in this subtitle referred to as the “Super-
2 visory Special Agent”).

3 (b) RESPONSIBILITY.—

4 (1) IN GENERAL.—The Supervisory Special
5 Agent shall be responsible for investigating viola-
6 tions of criminal civil rights statutes that occurred
7 not later than December 31, 1969, and resulted in
8 a death.

9 (2) COORDINATION.—In investigating a com-
10 plaint under paragraph (1), the Supervisory Special
11 Agent may coordinate the investigative activities
12 with State and local law enforcement officials.

13 **SEC. 2205. GRANTS TO STATE AND LOCAL LAW ENFORCE-**
14 **MENT.**

15 (a) IN GENERAL.—The Attorney General may make
16 grants to State or local law enforcement agencies for ex-
17 penses associated with the investigation and prosecution
18 of criminal offenses, involving civil rights, that occurred
19 not later than December 31, 1969, and resulted in a
20 death.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated \$2,000,000 for each of
23 fiscal years 2008 through 2017 to carry out this section.

1 **SEC. 2206. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated, in addition to any other amounts otherwise au-
4 thorized to be appropriated for this purpose, to the Attor-
5 ney General \$10,000,000 for each of fiscal years 2008
6 through 2017 for investigating and prosecuting violations
7 of criminal civil rights statutes that occurred not later
8 than December 31, 1969, and resulted in a death.
9 Amounts appropriated pursuant to this subsection shall
10 be allocated by the Attorney General to the Deputy Chief
11 and the Supervisory Special Agent in order to advance the
12 purposes set forth in this subtitle.

13 (b) COMMUNITY RELATIONS SERVICE OF THE DE-
14 PARTMENT OF JUSTICE.—In addition to any amounts au-
15 thorized to be appropriated under title XI of the Civil
16 Rights Act of 1964 (42 U.S.C. 2000h et seq.), there are
17 authorized to be appropriated to the Community Relations
18 Service of the Department of Justice \$1,500,000 for fiscal
19 year 2008 and each subsequent fiscal year, to enable the
20 Community Relations Service (in carrying out the func-
21 tions described in title X of such Act (42 U.S.C. 2000g
22 et seq.)) to provide technical assistance by bringing to-
23 gether law enforcement agencies and communities in the
24 investigation of violations of criminal civil rights statutes,
25 in cases described in section 2204(b).

1 **SEC. 2207. DEFINITION OF CRIMINAL CIVIL RIGHTS STAT-**
2 **UTES.**

3 In this subtitle, the term “criminal civil rights stat-
4 utes” means—

5 (1) section 241 of title 18, United States Code
6 (relating to conspiracy against rights);

7 (2) section 242 of title 18, United States Code
8 (relating to deprivation of rights under color of law);

9 (3) section 245 of title 18, United States Code
10 (relating to federally protected activities);

11 (4) sections 1581 and 1584 of title 18, United
12 States Code (relating to involuntary servitude and
13 peonage);

14 (5) section 901 of the Fair Housing Act (42
15 U.S.C. 3631); and

16 (6) any other Federal law that—

17 (A) was in effect on or before December
18 31, 1969; and

19 (B) the Criminal Section of the Civil
20 Rights Division of the Department of Justice
21 enforced, before the date of enactment of this
22 Act.

23 **SEC. 2208. SUNSET.**

24 Sections 2202 through 2206 of this subtitle shall
25 cease to have force or effect at the end of fiscal year 2017.

1 **SEC. 2209. AUTHORITY OF INSPECTORS GENERAL.**

2 Title XXXVII of the Crime Control Act of 1990 (42
3 U.S.C. 5779 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 3703. AUTHORITY OF INSPECTORS GENERAL.**

6 “(a) IN GENERAL.—An Inspector General appointed
7 under section 3 or 8G of the Inspector General Act of
8 1978 (5 U.S.C. App.) may authorize staff to assist the
9 National Center for Missing and Exploited Children—

10 “(1) by conducting reviews of inactive case files
11 to develop recommendations for further investiga-
12 tions; and

13 “(2) by engaging in similar activities.

14 “(b) LIMITATIONS.—

15 “(1) PRIORITY.—An Inspector General may not
16 permit staff to engage in activities described in sub-
17 section (a) if such activities will interfere with the
18 duties of the Inspector General under the Inspector
19 General Act of 1978 (5 U.S.C. App.).

20 “(2) FUNDING.—No additional funds are au-
21 thorized to be appropriated to carry out this sec-
22 tion.”.

1 **Subtitle C—Mentally Ill Offender**
2 **Treatment and Crime Reduction**
3 **Reauthorization and Improve-**
4 **ment Act of 2008**

5 **SEC. 2301. SHORT TITLE.**

6 This subtitle may be cited as the “Mentally Ill Of-
7 fender Treatment and Crime Reduction Reauthorization
8 and Improvement Act of 2008”.

9 **SEC. 2302. FINDINGS.**

10 Congress finds the following:

11 (1) Communities nationwide are struggling to
12 respond to the high numbers of people with mental
13 illnesses involved at all points in the criminal justice
14 system.

15 (2) A 1999 study by the Department of Justice
16 estimated that 16 percent of people incarcerated in
17 prisons and jails in the United States, which is more
18 than 300,000 people, suffer from mental illnesses.

19 (3) Los Angeles County Jail and New York’s
20 Rikers Island jail complex hold more people with
21 mental illnesses than the largest psychiatric inpa-
22 tient facilities in the United States.

23 (4) State prisoners with a mental health prob-
24 lem are twice as likely as those without a mental

1 health problem to have been homeless in the year be-
 2 fore their arrest.

3 **SEC. 2303. REAUTHORIZATION OF THE ADULT AND JUVENILE**
 4 **COLLABORATION PROGRAM GRANTS.**

5 (a) AUTHORIZATION OF APPROPRIATIONS THROUGH
 6 2014.—Section 2991(h) of title I of the Omnibus Crime
 7 Control and Safe Streets Act of 1968 (42 U.S.C.
 8 3793aa(h)) is amended—

9 (1) in paragraph (1), by striking at the end
 10 “and”;

11 (2) in paragraph (2), by striking “for fiscal
 12 years 2006 through 2009.” and inserting “for each
 13 of the fiscal years 2006 and 2007; and”; and

14 (3) by adding at the end the following new
 15 paragraph:

16 “(3) \$75,000,000 for each of the fiscal years
 17 2009 through 2014.”.

18 (b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE
 19 PURPOSES.—Section 2991(h) of such title is further
 20 amended—

21 (1) by redesignating paragraphs (1), (2), and
 22 (3) (as added by subsection (a)(3)) as subpara-
 23 graphs (A), (B), and (C), respectively, and adjusting
 24 the margins accordingly;

1 (2) by striking “There are authorized” and in-
 2 serting “(1) IN GENERAL.—There are authorized”;
 3 and

4 (3) by adding at the end the following new
 5 paragraph:

6 “(2) ALLOCATION OF FUNDING FOR ADMINISTRA-
 7 TIVE PURPOSES.—For fiscal year 2009 and each subse-
 8 quent fiscal year, of the amounts authorized under para-
 9 graph (1) for such fiscal year, the Attorney General may
 10 obligate not more than 3 percent for the administrative
 11 expenses of the Attorney General in carrying out this sec-
 12 tion for such fiscal year.”.

13 (c) ADDITIONAL APPLICATIONS RECEIVING PRI-
 14 ORITY.—Subsection (c) of such section is amended to read
 15 as follows:

16 “(c) PRIORITY.—The Attorney General, in awarding
 17 funds under this section, shall give priority to applications
 18 that—

19 “(1) promote effective strategies by law enforce-
 20 ment to identify and to reduce risk of harm to men-
 21 tally ill offenders and public safety;

22 “(2) promote effective strategies for identifica-
 23 tion and treatment of female mentally ill offenders;
 24 or

1 “(3)(A) demonstrate the strongest commitment
2 to ensuring that such funds are used to promote
3 both public health and public safety;

4 “(B) demonstrate the active participation of
5 each co-applicant in the administration of the col-
6 laboration program;

7 “(C) document, in the case of an application for
8 a grant to be used in whole or in part to fund treat-
9 ment services for adults or juveniles during periods
10 of incarceration or detention, that treatment pro-
11 grams will be available to provide transition and re-
12 entry services for such individuals; and

13 “(D) have the support of both the Attorney
14 General and the Secretary.”.

15 **SEC. 2304. LAW ENFORCEMENT RESPONSE TO MENTALLY**
16 **ILL OFFENDERS IMPROVEMENT GRANTS.**

17 (a) IN GENERAL.—Part HHH of title I of the Omnibus
18 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
19 3797aa) is amended by adding at the end the following
20 new section:

21 **“SEC. 2992. LAW ENFORCEMENT RESPONSE TO MENTALLY**
22 **ILL OFFENDERS IMPROVEMENT GRANTS.**

23 “(a) AUTHORIZATION.—The Attorney General is au-
24 thorized to make grants to States, units of local govern-

1 ment, Indian tribes, and tribal organizations for the fol-
2 lowing purposes:

3 “(1) TRAINING PROGRAMS.—To provide for
4 programs that offer law enforcement personnel spe-
5 cialized and comprehensive training in procedures to
6 identify and respond appropriately to incidents in
7 which the unique needs of individuals with mental
8 illnesses are involved.

9 “(2) RECEIVING CENTERS.—To provide for the
10 development of specialized receiving centers to assess
11 individuals in the custody of law enforcement per-
12 sonnel for suicide risk and mental health and sub-
13 stance abuse treatment needs.

14 “(3) IMPROVED TECHNOLOGY.—To provide for
15 computerized information systems (or to improve ex-
16 isting systems) to provide timely information to law
17 enforcement personnel and criminal justice system
18 personnel to improve the response of such respective
19 personnel to mentally ill offenders.

20 “(4) COOPERATIVE PROGRAMS.—To provide for
21 the establishment and expansion of cooperative ef-
22 forts by criminal and juvenile justice agencies and
23 mental health agencies to promote public safety
24 through the use of effective intervention with respect
25 to mentally ill offenders.

1 “(5) CAMPUS SECURITY PERSONNEL TRAIN-
2 ING.—To provide for programs that offer campus se-
3 curity personnel training in procedures to identify
4 and respond appropriately to incidents in which the
5 unique needs of individuals with mental illnesses are
6 involved.

7 “(b) BJA TRAINING MODELS.—For purposes of sub-
8 section (a)(1), the Director of the Bureau of Justice As-
9 sistance shall develop training models for training law en-
10 forcement personnel in procedures to identify and respond
11 appropriately to incidents in which the unique needs of
12 individuals with mental illnesses are involved, including
13 suicide prevention.

14 “(c) MATCHING FUNDS.—The Federal share of funds
15 for a program funded by a grant received under this sec-
16 tion may not exceed 75 percent of the costs of the program
17 unless the Attorney General waives, wholly or in part, such
18 funding limitation. The non-Federal share of payments
19 made for such a program may be made in cash or in-kind
20 fairly evaluated, including planned equipment or services.

21 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Department of
23 Justice to carry out this section \$10,000,000 for each of
24 the fiscal years 2009 through 2014.”.

1 (b) CONFORMING AMENDMENT.—Such part is fur-
 2 ther amended by amending the part heading to read as
 3 follows: “**GRANTS TO IMPROVE TREATMENT OF OF-**
 4 **FENDERS WITH MENTAL ILLNESSES**”.

5 **SEC. 2305. IMPROVING THE MENTAL HEALTH COURTS**
 6 **GRANT PROGRAM.**

7 (a) REAUTHORIZATION OF THE MENTAL HEALTH
 8 COURTS GRANT PROGRAM.—Section 1001(a)(20) of title
 9 I of the Omnibus Crime Control and Safe Streets Act of
 10 1968 (42 U.S.C. 3793(a)(20)) is amended by striking
 11 “fiscal years 2001 through 2004” and inserting “fiscal
 12 years 2009 through 2014”.

13 (b) ADDITIONAL GRANT USES AUTHORIZED.—Sec-
 14 tion 2201 of such title (42 U.S.C. 3796ii) is amended—

15 (1) in paragraph (1), by striking “and” at the
 16 end;

17 (2) in paragraph (2) by striking the period at
 18 the end and inserting a semicolon; and

19 (3) by adding at the end the following new
 20 paragraphs:

21 “(3) pretrial services and related treatment pro-
 22 grams for offenders with mental illnesses; and

23 “(4) developing, implementing, or expanding
 24 programs that are alternatives to incarceration for
 25 offenders with mental illnesses.”.

1 **SEC. 2306. EXAMINATION AND REPORT ON PREVALENCE OF**
2 **MENTALLY ILL OFFENDERS.**

3 (a) IN GENERAL.—

4 (1) IN GENERAL.—The Attorney General shall
5 examine and report on mental illness and the crimi-
6 nal justice system.

7 (2) SCOPE.—Congress encourages the Attorney
8 General to specifically examine the following:

9 (A) POPULATIONS.—The rate of occur-
10 rence of serious mental illnesses in each of the
11 following populations:

12 (i) Individuals, including juveniles, on
13 probation.

14 (ii) Individuals, including juveniles, in-
15 carcerated in a jail.

16 (iii) Individuals, including juveniles,
17 incarcerated in a prison.

18 (iv) Individuals, including juveniles,
19 on parole.

20 (B) BENEFITS.—The percentage of indi-
21 viduals in each population described in subpara-
22 graph (A) who have—

23 (i) a serious mental illness; and

24 (ii) received disability benefits under
25 title II or title XVI of the Social Security

1 Act (42 U.S.C. 401 et seq. and 1381 et
2 seq.).

3 (b) REPORT.—Not later than 36 months after the
4 date of the enactment of this Act, the Attorney General
5 shall submit to Congress the report described in sub-
6 section (a).

7 (c) DEFINITIONS.—In this section—

8 (1) the term “serious mental illness” means
9 that an individual has, or at any time during the 1-
10 year period ending on the date of enactment of this
11 Act had, a covered mental, behavioral, or emotional
12 disorder; and

13 (2) the term “covered mental, behavioral, or
14 emotional disorder”—

15 (A) means a diagnosable mental, behav-
16 ioral, or emotional disorder of sufficient dura-
17 tion to meet diagnostic criteria specified within
18 the Diagnostic and Statistical Manual of Men-
19 tal Disorders, Fourth Edition, or the Inter-
20 national Classification of Diseases, Ninth Revi-
21 sion, Clinical Modification equivalent of the Di-
22 agnostic and Statistical Manual of Mental Dis-
23 orders, Fourth Edition; and

24 (B) does not include a disorder that has a
25 V code within the Diagnostic and Statistical

1 Manual of Mental Disorders, Fourth Edition, a
 2 substance use disorder, or a developmental dis-
 3 order, unless that disorder cooccurs with an-
 4 other disorder described in subparagraph (A)
 5 and causes functional impairment which sub-
 6 stantially interferes with or limits 1 or more
 7 major life activities.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated to carry out this section
 10 \$2,000,000 for 2009.

11 **Subtitle D—Effective Child Pornog-** 12 **raphy Prosecution Act of 2007**

13 **SEC. 7401. SHORT TITLE.**

14 This subtitle may be cited as the “Effective Child
 15 Pornography Prosecution Act of 2007”.

16 **SEC. 7402. FINDINGS.**

17 Congress finds the following:

18 (1) Child pornography is estimated to be a
 19 multibillion dollar industry of global proportions, fa-
 20 cilitated by the growth of the Internet.

21 (2) Data has shown that 83 percent of child
 22 pornography possessors had images of children
 23 younger than 12 years old, 39 percent had images
 24 of children younger than 6 years old, and 19 percent
 25 had images of children younger than 3 years old.

1 (3) Child pornography is a permanent record of
 2 a child’s abuse and the distribution of child pornog-
 3 raphy images revictimizes the child each time the
 4 image is viewed.

5 (4) Child pornography is readily available
 6 through virtually every Internet technology, includ-
 7 ing Web sites, email, instant messaging, Internet
 8 Relay Chat, newsgroups, bulletin boards, and peer-
 9 to-peer.

10 (5) The technological ease, lack of expense, and
 11 anonymity in obtaining and distributing child por-
 12 nography over the Internet has resulted in an explo-
 13 sion in the multijurisdictional distribution of child
 14 pornography.

15 (6) The Internet is well recognized as a method
 16 of distributing goods and services across State lines.

17 (7) The transmission of child pornography
 18 using the Internet constitutes transportation in
 19 interstate commerce.

20 **SEC. 7403. CLARIFYING BAN OF CHILD PORNOGRAPHY.**

21 (a) IN GENERAL.—Chapter 110 of title 18, United
 22 States Code, is amended—

23 (1) in section 2251—

24 (A) in each of subsections (a), (b), and (d),

25 by inserting “using any means or facility of

1 interstate or foreign commerce or” after “be
2 transported”;

3 (B) in each of subsections (a) and (b), by
4 inserting “using any means or facility of inter-
5 state or foreign commerce or” after “been
6 transported”;

7 (C) in subsection (c), by striking “com-
8 puter” each place that term appears and insert-
9 ing “using any means or facility of interstate or
10 foreign commerce”; and

11 (D) in subsection (d), by inserting “using
12 any means or facility of interstate or foreign
13 commerce or” after “is transported”;

14 (2) in section 2251A(c), by inserting “using
15 any means or facility of interstate or foreign com-
16 merce or” after “or transported”;

17 (3) in section 2252(a)—

18 (A) in paragraph (1), by inserting “using
19 any means or facility of interstate or foreign
20 commerce or” after “ships”;

21 (B) in paragraph (2)—

22 (i) by inserting “using any means or
23 facility of interstate or foreign commerce
24 or” after “distributes, any visual depic-
25 tion”; and

1 (ii) by inserting “using any means or
2 facility of interstate or foreign commerce
3 or” after “depiction for distribution”;

4 (C) in paragraph (3)—

5 (i) by inserting “using any means or
6 facility of interstate or foreign commerce”
7 after “so shipped or transported”; and

8 (ii) by striking “by any means,”; and

9 (D) in paragraph (4), by inserting “using
10 any means or facility of interstate or foreign
11 commerce or” after “has been shipped or trans-
12 ported”; and

13 (4) in section 2252A(a)—

14 (A) in paragraph (1), by inserting “using
15 any means or facility of interstate or foreign
16 commerce or” after “ships”;

17 (B) in paragraph (2), by inserting “using
18 any means or facility of interstate or foreign
19 commerce” after “mailed, or” each place it ap-
20 pears;

21 (C) in paragraph (3), by inserting “using
22 any means or facility of interstate or foreign
23 commerce or” after “mails, or” each place it
24 appears;

1 (D) in each of paragraphs (4) and (5), by
2 inserting “using any means or facility of inter-
3 state or foreign commerce or” after “has been
4 mailed, or shipped or transported”; and

5 (E) in paragraph (6), by inserting “using
6 any means or facility of interstate or foreign
7 commerce or” after “has been mailed, shipped,
8 or transported”.

9 (b) AFFECTING INTERSTATE COMMERCE.—Chapter
10 110 of title 18, United States Code, is amended in each
11 of sections 2251, 2251A, 2252, and 2252A, by striking
12 “in interstate” each place it appears and inserting “in or
13 affecting interstate”.

14 (c) CERTAIN ACTIVITIES RELATING TO MATERIAL
15 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—
16 Section 2252(a)(3)(B) of title 18, United States Code, is
17 amended by inserting “, shipped, or transported using any
18 means or facility of interstate or foreign commerce” after
19 “that has been mailed”.

20 (d) CERTAIN ACTIVITIES RELATING TO MATERIAL
21 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—
22 Section 2252A(a)(6)(C) of title 18, United States Code,
23 is amended by striking “or by transmitting” and all that
24 follows through “by computer,” and inserting “or any
25 means or facility of interstate or foreign commerce,”.

1 **Subtitle E—Enhancing the Effec-**
2 **tive Prosecution of Child Por-**
3 **nography Act of 2007**

4 **SEC. 2501. SHORT TITLE.**

5 This subtitle may be cited as the “Enhancing the Ef-
6 fective Prosecution of Child Pornography Act of 2007”.

7 **SEC. 2502. MONEY LAUNDERING PREDICATE.**

8 Section 1956(c)(7)(D) of title 18, United States
9 Code, is amended by inserting “section 2252A (relating
10 to child pornography) where the child pornography con-
11 tains a visual depiction of an actual minor engaging in
12 sexually explicit conduct, section 2260 (production of cer-
13 tain child pornography for importation into the United
14 States),” before “section 2280”.

15 **SEC. 2503. KNOWINGLY ACCESSING CHILD PORNOGRAPHY**
16 **WITH THE INTENT TO VIEW CHILD PORNOG-**
17 **RAPHY.**

18 (a) MATERIALS INVOLVING SEXUAL EXPLOITATION
19 OF MINORS.—Section 2252(a)(4) of title 18, United
20 States Code, is amended—

21 (1) in subparagraph (A), by inserting “, or
22 knowingly accesses with intent to view,” after “pos-
23 sesses”; and

1 (2) in subparagraph (B), by inserting “, or
2 knowingly accesses with intent to view,” after “pos-
3 sesses”.

4 (b) MATERIALS CONSTITUTING OR CONTAINING
5 CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18,
6 United States Code, is amended—

7 (1) in subparagraph (A), by inserting “, or
8 knowingly accesses with intent to view,” after “pos-
9 sesses”; and

10 (2) in subparagraph (B), by inserting “, or
11 knowingly accesses with intent to view,” after “pos-
12 sesses”.

13 **Subtitle F—Drug Endangered** 14 **Children Act of 2007**

15 **SEC. 2601. SHORT TITLE.**

16 This subtitle may be cited as the “Drug Endangered
17 Children Act of 2007”.

18 **SEC. 2602. DRUG-ENDANGERED CHILDREN GRANT PRO-** 19 **GRAM EXTENDED.**

20 Section 755(c) of the USA PATRIOT Improvement
21 and Reauthorization Act of 2005 (42 U.S.C. 3797cc–2(c))
22 is amended by striking “fiscal years 2006 and 2007” and
23 inserting “fiscal years 2008 and 2009”.

1 **Subtitle G—Star-Spangled Banner**
 2 **and War of 1812 Bicentennial**
 3 **Commission Act**

4 **SEC. 2701. SHORT TITLE.**

5 This subtitle may be cited as the “Star-Spangled
 6 Banner and War of 1812 Bicentennial Commission Act”.

7 **SEC. 2702. STAR-SPANGLED BANNER AND WAR OF 1812 BI-**
 8 **CENTENNIAL COMMISSION.**

9 (a) FINDINGS.—Congress finds that—

10 (1) the War of 1812 served as a crucial test for
 11 the United States Constitution and the newly estab-
 12 lished democratic Government;

13 (2) vast regions of the new multiparty democ-
 14 racy, including the Chesapeake Bay, the Gulf of
 15 Mexico and the Niagara Frontier, were affected by
 16 the War of 1812 including the States of Alabama,
 17 Connecticut, Delaware, Florida, Georgia, Iowa, Illi-
 18 nois, Indiana, Kentucky, Louisiana, Massachusetts,
 19 Maryland, Maine, Michigan, Missouri, Mississippi,
 20 New Jersey, North Carolina, New Hampshire, New
 21 York, Ohio, Oregon, Pennsylvania, Rhode Island,
 22 South Carolina, Tennessee, Virginia, Vermont, Wis-
 23 consin, West Virginia, and the District of Columbia;

24 (3) the British occupation of American territory
 25 along the Great Lakes and in other regions, the

1 burning of Washington, DC, the American victories
2 at Fort McHenry, New Orleans, and Plattsburgh,
3 among other battles, had far reaching effects on
4 American society;

5 (4) at the Battle of Baltimore, Francis Scott
6 Key wrote the poem that celebrated the flag and
7 later was titled “the Star-Spangled Banner”;

8 (5) the poem led to the establishment of the
9 flag as an American icon and became the words of
10 the national anthem of the United States in 1932;
11 and

12 (6) it is in the national interest to provide for
13 appropriate commemorative activities to maximize
14 public understanding of the meaning of the War of
15 1812 in the history of the United States.

16 (b) PURPOSES.—The purposes of this section are
17 to—

18 (1) establish the Star-Spangled Banner and
19 War of 1812 Commemoration Commission;

20 (2) ensure a suitable national observance of the
21 War of 1812 by complementing, cooperating with,
22 and providing assistance to the programs and activi-
23 ties of the various States involved in the commemo-
24 ration;

1 (3) encourage War of 1812 observances that
2 provide an excellent visitor experience and beneficial
3 interaction between visitors and the natural and cul-
4 tural resources of the various War of 1812 sites;

5 (4) facilitate international involvement in the
6 War of 1812 observances;

7 (5) support and facilitate marketing efforts for
8 a commemorative coin, stamp, and related activities
9 for the War of 1812 observances; and

10 (6) promote the protection of War of 1812 re-
11 sources and assist in the appropriate development of
12 heritage tourism and economic benefits to the
13 United States.

14 (c) DEFINITIONS.—In this section:

15 (1) COMMEMORATION.—The term “commemo-
16 ration” means the commemoration of the War of
17 1812.

18 (2) COMMISSION.—The term “Commission”
19 means the Star-Spangled Banner and War of 1812
20 Bicentennial Commission established in subsection
21 (d)(1).

22 (3) QUALIFIED CITIZEN.—The term “qualified
23 citizen” means a citizen of the United States with
24 an interest in, support for, and expertise appropriate
25 to the commemoration.

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

3 (5) STATES.—The term “States”—

4 (A) means the States of Alabama, Ken-
5 tucky, Indiana, Louisiana, Maryland, Vermont,
6 Virginia, New York, Maine, Michigan, and
7 Ohio; and

8 (B) includes agencies and entities of each
9 State.

10 (d) STAR-SPANGLED BANNER AND WAR OF 1812
11 COMMEMORATION COMMISSION.—

12 (1) IN GENERAL.—There is established a com-
13 mission to be known as the “Star-Spangled Banner
14 and War of 1812 Bicentennial Commission”.

15 (2) MEMBERSHIP.—

16 (A) IN GENERAL.—The Commission shall
17 be composed of 22 members, of whom—

18 (i) 11 members shall be qualified citi-
19 zens appointed by the Secretary after con-
20 sideration of nominations submitted by the
21 Governors of Alabama, Kentucky, Indiana,
22 Louisiana, Maine, Maryland, Michigan,
23 New York, Ohio, Vermont, and Virginia;

24 (ii) 3 members shall be qualified citi-
25 zens appointed by the Secretary after con-

1 sideration of nominations submitted by the
2 Mayors of the District of Columbia, the
3 City of Baltimore, and the City of New Or-
4 leans;

5 (iii) 2 members shall be employees of
6 the National Park Service, of whom—

7 (I) 1 shall be the Director of the
8 National Park Service (or a designee);
9 and

10 (II) 1 shall be an employee of the
11 National Park Service having experi-
12 ence relevant to the commemoration;

13 (iv) 4 members shall be qualified citi-
14 zens appointed by the Secretary with con-
15 sideration of recommendations—

16 (I) 1 of which are submitted by
17 the majority leader of the Senate;

18 (II) 1 of which are submitted by
19 the minority leader of the Senate;

20 (III) 1 of which are submitted by
21 the majority leader of the House of
22 Representatives; and

23 (IV) 1 of which are submitted by
24 the minority leader of the House of
25 Representatives; and

1 (v) 2 members shall be appointed by
 2 the Secretary from among individuals with
 3 expertise in the history of the War of
 4 1812.

5 (B) DATE OF APPOINTMENTS.—The ap-
 6 pointment of a member of the Commission shall
 7 be made not later than 120 days after the date
 8 of enactment of this Act.

9 (3) TERM; VACANCIES.—

10 (A) TERM.—A member shall be appointed
 11 for the life of the Commission.

12 (B) VACANCIES.—A vacancy on the Com-
 13 mission—

14 (i) shall not affect the powers of the
 15 Commission; and

16 (ii) shall be filled in the same manner
 17 as the original appointment was made.

18 (4) VOTING.—

19 (A) IN GENERAL.—The Commission shall
 20 act only on an affirmative vote of a majority of
 21 the members of the Commission.

22 (B) QUORUM.—A majority of the members
 23 of the Commission shall constitute a quorum.

24 (5) CHAIRPERSON AND VICE CHAIRPERSON.—

1 (A) SELECTION.—The Commission shall
 2 select a chairperson and a vice chairperson from
 3 among the members of the Commission.

4 (B) ABSENCE OF CHAIRPERSON.—The vice
 5 chairperson shall act as chairperson in the ab-
 6 sence of the chairperson.

7 (6) INITIAL MEETING.—Not later than 60 days
 8 after the date on which all members of the Commis-
 9 sion have been appointed and funds have been pro-
 10 vided, the Commission shall hold the initial meeting
 11 of the Commission.

12 (7) MEETINGS.—Not less than twice a year, the
 13 Commission shall meet at the call of the chairperson
 14 or a majority of the members of the Commission.

15 (8) REMOVAL.—Any member who fails to at-
 16 tend 3 successive meetings of the Commission or
 17 who otherwise fails to participate substantively in
 18 the work of the Commission may be removed by the
 19 Secretary and the vacancy shall be filled in the same
 20 manner as the original appointment was made.
 21 Members serve at the discretion of the Secretary.

22 (e) DUTIES.—

23 (1) IN GENERAL.—The Commission shall—

24 (A) plan, encourage, develop, execute, and
 25 coordinate programs, observances, and activities

1 commemorating the historic events that pre-
2 ceded and are associated with the War of 1812;

3 (B) facilitate the commemoration through-
4 out the United States and internationally;

5 (C) coordinate the activities of the Com-
6 mission with State commemoration commis-
7 sions, the National Park Service, the Depart-
8 ment of Defense, and other appropriate Federal
9 agencies;

10 (D) encourage civic, patriotic, historical,
11 educational, religious, economic, tourism, and
12 other organizations throughout the United
13 States to organize and participate in the com-
14 memoration to expand the understanding and
15 appreciation of the significance of the War of
16 1812;

17 (E) provide technical assistance to States,
18 localities, units of the National Park System,
19 and nonprofit organizations to further the com-
20 memoration and commemorative events;

21 (F) coordinate and facilitate scholarly re-
22 search on, publication about, and interpretation
23 of the people and events associated with the
24 War of 1812;

1 (G) design, develop, and provide for the
2 maintenance of an exhibit that will travel
3 throughout the United States during the com-
4 memoration period to interpret events of the
5 War of 1812 for the educational benefit of the
6 citizens of the United States;

7 (H) ensure that War of 1812 commemora-
8 tions provide a lasting legacy and long-term
9 public benefit leading to protection of the nat-
10 ural and cultural resources associated with the
11 War of 1812; and

12 (I) examine and review essential facilities
13 and infrastructure at War of 1812 sites and
14 identify possible improvements that could be
15 made to enhance and maximize visitor experi-
16 ence at the sites.

17 (2) STRATEGIC PLAN; ANNUAL PERFORMANCE
18 PLANS.—The Commission shall prepare a strategic
19 plan and annual performance plans for any activity
20 carried out by the Commission under this section.

21 (3) REPORTS.—

22 (A) ANNUAL REPORT.—The Commission
23 shall submit to Congress an annual report that
24 contains a list of each gift, bequest, or devise
25 to the Commission with a value of more than

1 \$250, together with the identity of the donor of
2 each gift, bequest, or devise.

3 (B) FINAL REPORT.—Not later than Sep-
4 tember 30, 2015, the Commission shall submit
5 to the Secretary and Congress a final report
6 that includes—

7 (i) a summary of the activities of the
8 Commission;

9 (ii) a final accounting of any funds re-
10 ceived or expended by the Commission; and

11 (iii) the final disposition of any his-
12 torically significant items acquired by the
13 Commission and other properties not pre-
14 viously reported.

15 (f) POWERS.—

16 (1) IN GENERAL.—The Commission may—

17 (A) solicit, accept, use, and dispose of gifts
18 or donations of money, services, and real and
19 personal property related to the commemoration
20 in accordance with Department of the Interior
21 and National Park Service written standards
22 for accepting gifts from outside sources;

23 (B) appoint such advisory committees as
24 the Commission determines to be necessary to
25 carry out this section;

1 (C) authorize any member or employee of
2 the Commission to take any action the Commis-
3 sion is authorized to take under this section;

4 (D) use the United States mails in the
5 same manner and under the same conditions as
6 other agencies of the Federal Government; and

7 (E) make grants to communities, non-
8 profit, commemorative commissions or organi-
9 zations, and research and scholarly organiza-
10 tions to develop programs and products to as-
11 sist in researching, publishing, marketing, and
12 distributing information relating to the com-
13 memoration.

14 (2) LEGAL AGREEMENTS.—

15 (A) IN GENERAL.—In carrying out this
16 section, the Commission may—

17 (i) procure supplies, services, and
18 property; and

19 (ii) make or enter into contracts,
20 leases, or other legal agreements.

21 (B) LENGTH.—Any contract, lease, or
22 other legal agreement made or entered into by
23 the Commission shall not extend beyond the
24 date of termination of the Commission.

25 (3) INFORMATION FROM FEDERAL AGENCIES.—

1 (A) IN GENERAL.—The Commission may
2 secure directly from a Federal agency such in-
3 formation as the Commission considers nec-
4 essary to carry out this section.

5 (B) PROVISION OF INFORMATION.—On re-
6 quest of the Chairperson of the Commission,
7 the head of the agency shall provide the infor-
8 mation to the Commission in accordance with
9 applicable laws.

10 (4) FACA NONAPPLICABILITY.—Section 14(b)
11 of the Federal Advisory Committee Act (5 U.S.C.
12 App.) shall not apply to the Commission.

13 (5) NO EFFECT ON AUTHORITY.—Nothing in
14 this section supersedes the authority of the States or
15 the National Park Service concerning the commemo-
16 ration.

17 (g) PERSONNEL MATTERS.—

18 (1) MEMBERS OF THE COMMISSION.—

19 (A) IN GENERAL.—Except as provided in
20 paragraph (3)(A), a member of the Commission
21 shall serve without compensation.

22 (B) TRAVEL EXPENSES.—A member of the
23 Commission shall be allowed travel expenses, in-
24 cluding per diem in lieu of subsistence, at rates
25 authorized for an employee of an agency under

1 subchapter I of chapter 57 of title 5, United
2 States Code, while away from the home or reg-
3 ular place of business of the member in the per-
4 formance of the duties of the Commission.

5 (C) STATUS.—A member of the Commis-
6 sion, who is not otherwise a Federal employee,
7 shall be considered a Federal employee only for
8 purposes of the provisions of law related to eth-
9 ics, conflicts of interest, corruption, and any
10 other criminal or civil statute or regulation gov-
11 erning the conduct of Federal employees.

12 (2) EXECUTIVE DIRECTOR AND OTHER
13 STAFF.—

14 (A) IN GENERAL.—The Chairperson of the
15 Commission may, without regard to the provi-
16 sions of title 5, United States Code, governing
17 appointments in the competitive service and ter-
18 mination of employees (including regulations),
19 appoint and terminate an executive director,
20 subject to confirmation by the Commission, and
21 appoint and terminate such other additional
22 personnel as are necessary to enable the Com-
23 mission to perform the duties of the Commis-
24 sion.

1 (B) STATUS.—The Executive Director and
2 other staff appointed under this paragraph
3 shall be considered Federal employees under
4 section 2105 of title 5, United States Code, not-
5 withstanding the requirements of such section.

6 (C) CONFIRMATION OF EXECUTIVE DIREC-
7 TOR.—The employment of an executive director
8 shall be subject to confirmation by the Commis-
9 sion.

10 (D) COMPENSATION.—

11 (i) IN GENERAL.—Except as provided
12 in clause (ii), the Chairperson of the Com-
13 mission may fix the compensation of the
14 executive director and other personnel
15 without regard to the provisions of chapter
16 51 and subchapter III of chapter 53 of
17 title 5, United States Code, relating to
18 classification of positions and General
19 Schedule pay rates.

20 (ii) MAXIMUM RATE OF PAY.—The
21 rate of basic pay for the executive director
22 and other personnel shall not exceed the
23 rate payable for level V of the Executive
24 Schedule under section 5316 of title 5,
25 United States Code.

1 (3) GOVERNMENT EMPLOYEES.—

2 (A) FEDERAL EMPLOYEES.—

3 (i) SERVICE ON COMMISSION.—A
4 member of the Commission who is an offi-
5 cer or employee of the Federal Government
6 shall serve without compensation in addi-
7 tion to the compensation received for the
8 services of the member as an officer or em-
9 ployee of the Federal Government.

10 (ii) DETAIL.—At the request of the
11 Commission, the head of any Federal agen-
12 cy may detail, on a reimbursable or non-
13 reimbursable basis, any of the personnel of
14 the agency to the Commission to assist the
15 Commission in carrying out the duties of
16 the Commission under this section.

17 (iii) CIVIL SERVICE STATUS.—Not-
18 withstanding any other provisions in this
19 subsection, Federal employees who serve
20 on the Commission, are detailed to the
21 Commission, or otherwise provide services
22 under this section, shall continue to be
23 Federal employees for the purpose of any
24 law specific to Federal employees, without

1 interruption or loss of civil service status
2 or privilege.

3 (B) STATE EMPLOYEES.—The Commission
4 may—

5 (i) accept the services of personnel de-
6 tailed from States (including subdivisions
7 of States) under subchapter VI of chapter
8 33 of title 5, United States Code; and

9 (ii) reimburse States for services of
10 detailed personnel.

11 (4) MEMBERS OF ADVISORY COMMITTEES.—
12 Members of advisory committees appointed under
13 subsection (f)(1)(B)—

14 (A) shall not be considered employees of
15 the Federal Government by reason of service on
16 the committees for the purpose of any law spe-
17 cific to Federal employees, except for the pur-
18 poses of chapter 11 of title 18, United States
19 Code, relating to conflicts of interest; and

20 (B) may be paid travel expenses, including
21 per diem in lieu of subsistence, at rates author-
22 ized for an employee of an agency under sub-
23 chapter I of chapter 57 of title 5, United States
24 Code, while away from the home or regular

1 place of business of the member in the perform-
2 ance of the duties of the committee.

3 (5) VOLUNTEER AND UNCOMPENSATED SERV-
4 ICES.—Notwithstanding section 1342 of title 31,
5 United States Code, the Commission may accept and
6 use such voluntary and uncompensated services as
7 the Commission determines necessary.

8 (6) SUPPORT SERVICES.—The Director of the
9 National Park Service shall provide to the Commis-
10 sion, on a reimbursable basis, such administrative
11 support services as the Commission may request.

12 (7) PROCUREMENT OF TEMPORARY AND INTER-
13 MITTENT SERVICES.—The Chairperson of the Com-
14 mission may employ experts and consultants on a
15 temporary or intermittent basis in accordance with
16 section 3109(b) of title 5, United States Code, at
17 rates for individuals that do not exceed the daily
18 equivalent of the annual rate of basic pay prescribed
19 for level V of the Executive Schedule under section
20 5316 of that title. Such personnel shall be consid-
21 ered Federal employees under section 2105 of title
22 5, United States Code, notwithstanding the require-
23 ments of such section.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to carry out this section not to exceed
3 \$500,000 for each of fiscal years 2008 through
4 2015.

5 (2) AVAILABILITY OF FUNDS.—Amounts appro-
6 priated under this subsection for any fiscal year
7 shall remain available until December 31, 2015.

8 (i) TERMINATION OF COMMISSION.—

9 (1) IN GENERAL.—The Commission shall termi-
10 nate on December 31, 2015.

11 (2) TRANSFER OF MATERIALS.—Not later than
12 the date of termination, the Commission shall trans-
13 fer any documents, materials, books, manuscripts,
14 miscellaneous printed matter, memorabilia, relics,
15 exhibits, and any materials donated to the Commis-
16 sion that relate to the War of 1812, to Fort
17 McHenry National Monument and Historic Shrine.

18 (3) DISPOSITION OF FUNDS.—Any funds held
19 by the Commission on the date of termination shall
20 be deposited in the general fund of the Treasury.

21 (4) ANNUAL AUDIT.—The Inspector General of
22 the Department of the Interior shall perform an an-
23 nual audit of the Commission, shall make the results
24 of the audit available to the public, and shall trans-
25 mit such results to the Committee on Oversight and

1 Government Reform of the House of Representatives
2 and the Committee on the Judiciary of the Senate.

3 **Subtitle H—PROTECT Our**
4 **Children Act of 2008**

5 **SEC. 2801. SHORT TITLE.**

6 This subtitle may be cited as the“ Providing Re-
7 sources, Officers, and Technology To Eradicate Cyber
8 Threats to Our Children Act of 2008” or the “PROTECT
9 Our Children Act of 2008”.

10 **SEC. 2802. DEFINITIONS.**

11 In this subtitle, the following definitions shall apply:

12 (1) CHILD EXPLOITATION.—The term “child
13 exploitation” means any conduct, attempted conduct,
14 or conspiracy to engage in conduct involving a minor
15 that violates section 1591, chapter 109A, chapter
16 110, and chapter 117 of title 18, United States
17 Code, or any sexual activity involving a minor for
18 which any person can be charged with a criminal of-
19 fense.

20 (2) CHILD OBSCENITY.—The term “child ob-
21 scenity” means any visual depiction proscribed by
22 section 1466A of title 18, United States Code.

23 (3) MINOR.—The term “minor” means any per-
24 son under the age of 18 years.

1 (4) SEXUALLY EXPLICIT CONDUCT.—The term
 2 “sexually explicit conduct” has the meaning given
 3 such term in section 2256 of title 18, United States
 4 Code.

5 **PART I—NATIONAL STRATEGY FOR CHILD**
 6 **EXPLOITATION PREVENTION AND INTERDICTION**
 7 **SEC. 2811. ESTABLISHMENT OF NATIONAL STRATEGY FOR**
 8 **CHILD EXPLOITATION PREVENTION AND**
 9 **INTERDICTION.**

10 (a) IN GENERAL.—The Attorney General of the
 11 United States shall create and implement a National
 12 Strategy for Child Exploitation Prevention and Interdic-
 13 tion.

14 (b) TIMING.—Not later than February 1 of each
 15 year, the Attorney General shall submit to Congress the
 16 National Strategy established under subsection (a).

17 (c) REQUIRED CONTENTS OF NATIONAL STRAT-
 18 EGY.—The National Strategy established under subsection
 19 (a) shall include the following:

20 (1) Comprehensive long-range, goals for reduc-
 21 ing child exploitation.

22 (2) Annual measurable objectives and specific
 23 targets to accomplish long-term, quantifiable goals
 24 that the Attorney General determines may be

1 achieved during each year beginning on the date
2 when the National Strategy is submitted.

3 (3) Annual budget priorities and Federal efforts
4 dedicated to combating child exploitation, including
5 resources dedicated to Internet Crimes Against Chil-
6 dren task forces, Project Safe Childhood, FBI Inno-
7 cent Images Initiative, the National Center for Miss-
8 ing and Exploited Children, regional forensic com-
9 puter labs, Internet Safety programs, and all other
10 entities whose goal or mission is to combat the ex-
11 ploitation of children that receive Federal support.

12 (4) A 5-year projection for program and budget
13 goals and priorities.

14 (5) A review of the policies and work of the De-
15 partment of Justice related to the prevention and in-
16 vestigation of child exploitation crimes, including ef-
17 forts at the Office of Justice Programs, the Criminal
18 Division of the Department of Justice, the Executive
19 Office of United States Attorneys, the Federal Bu-
20 reau of Investigation, the Office of the Attorney
21 General, the Office of the Deputy Attorney General,
22 the Office of Legal Policy, and any other agency or
23 bureau of the Department of Justice whose activities
24 relate to child exploitation.

1 (6) A description of the Department's efforts to
2 coordinate with international, State, local, tribal law
3 enforcement, and private sector entities on child ex-
4 ploitation prevention and interdiction efforts.

5 (7) Plans for interagency coordination regard-
6 ing the prevention, investigation, and apprehension
7 of individuals exploiting children, including coopera-
8 tion and collaboration with—

9 (A) Immigration and Customs Enforce-
10 ment;

11 (B) the United States Postal Inspection
12 Service;

13 (C) the Department of State;

14 (D) the Department of Commerce;

15 (E) the Department of Education;

16 (F) the Department of Health and Human
17 Services; and

18 (G) other appropriate Federal agencies.

19 (8) A review of the Internet Crimes Against
20 Children Task Force Program, including—

21 (A) the number of ICAC task forces and
22 location of each ICAC task force;

23 (B) the number of trained personnel at
24 each ICAC task force;

1 (C) the amount of Federal grants awarded
2 to each ICAC task force;

3 (D) an assessment of the Federal, State,
4 and local cooperation in each task force, includ-
5 ing—

6 (i) the number of arrests made by
7 each task force;

8 (ii) the number of criminal referrals
9 to United States attorneys for prosecution;

10 (iii) the number of prosecutions and
11 convictions from the referrals made under
12 clause (ii);

13 (iv) the number, if available, of local
14 prosecutions and convictions based on
15 ICAC task force investigations; and

16 (v) any other information dem-
17 onstrating the level of Federal, State, and
18 local coordination and cooperation, as such
19 information is to be determined by the At-
20 torney General;

21 (E) an assessment of the training opportu-
22 nities and technical assistance available to sup-
23 port ICAC task force grantees; and

24 (F) an assessment of the success of the
25 Internet Crimes Against Children Task Force

1 Program at leveraging State and local resources
2 and matching funds.

3 (9) An assessment of the technical assistance
4 and support available for Federal, State, local, and
5 tribal law enforcement agencies, in the prevention,
6 investigation, and prosecution of child exploitation
7 crimes.

8 (10) A review of the backlog of forensic analysis
9 for child exploitation cases at each FBI Regional
10 Forensic lab and an estimate of the backlog at State
11 and local labs.

12 (11) Plans for reducing the forensic backlog de-
13 scribed in paragraph (10), if any, at Federal, State
14 and local forensic labs.

15 (12) A review of the Federal programs related
16 to child exploitation prevention and education, in-
17 cluding those related to Internet safety, including ef-
18 forts by the private sector and nonprofit entities, or
19 any other initiatives, that have proven successful in
20 promoting child safety and Internet safety.

21 (13) An assessment of the future trends, chal-
22 lenges, and opportunities, including new tech-
23 nologies, that will impact Federal, State, local, and
24 tribal efforts to combat child exploitation.

1 (14) Plans for liaisons with the judicial
2 branches of the Federal and State governments on
3 matters relating to child exploitation.

4 (15) An assessment of Federal investigative and
5 prosecution activity relating to reported incidents of
6 child exploitation crimes, which shall include a num-
7 ber of factors, including—

8 (A) the number of high-priority suspects
9 (identified because of the volume of suspected
10 criminal activity or because of the danger to the
11 community or a potential victim) who were in-
12 vestigated and prosecuted;

13 (B) the number of investigations, arrests,
14 prosecutions and convictions for a crime of
15 child exploitation; and

16 (C) the average sentence imposed and stat-
17 utory maximum for each crime of child exploi-
18 tation.

19 (16) A review of all available statistical data in-
20 dicating the overall magnitude of child pornography
21 trafficking in the United States and internationally,
22 including—

23 (A) the number of computers or computer
24 users, foreign and domestic, observed engaging
25 in, or suspected by law enforcement agencies

1 and other sources of engaging in, peer-to-peer
2 file sharing of child pornography;

3 (B) the number of computers or computer
4 users, foreign and domestic, observed engaging
5 in, or suspected by law enforcement agencies
6 and other reporting sources of engaging in,
7 buying and selling, or other commercial activity
8 related to child pornography;

9 (C) the number of computers or computer
10 users, foreign and domestic, observed engaging
11 in, or suspected by law enforcement agencies
12 and other sources of engaging in, all other
13 forms of activity related to child pornography;

14 (D) the number of tips or other statistical
15 data from the National Center for Missing and
16 Exploited Children's CybertTipline and other
17 data indicating the magnitude of child pornog-
18 raphy trafficking; and

19 (E) any other statistical data indicating
20 the type, nature, and extent of child exploi-
21 tation crime in the United States and abroad.

22 (17) Copies of recent relevant research and
23 studies related to child exploitation, including—

1 (A) studies related to the link between pos-
 2 session or trafficking of child pornography and
 3 actual abuse of a child;

4 (B) studies related to establishing a link
 5 between the types of files being viewed or
 6 shared and the type of illegal activity; and

7 (C) any other research, studies, and avail-
 8 able information related to child exploitation.

9 (18) A review of the extent of cooperation, co-
 10 ordination, and mutual support between private sec-
 11 tor and other entities and organizations and Federal
 12 agencies, including the involvement of States, local
 13 and tribal government agencies to the extent Federal
 14 programs are involved.

15 (19) The results of the Project Safe Childhood
 16 Conference or other conferences or meetings con-
 17 vened by the Department of Justice related to com-
 18 bating child exploitation

19 (d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

20 (1) IN GENERAL.—There shall be created in the
 21 Office of Legal Policy of the Department of Justice
 22 the position of Special Assistant to the Assistant At-
 23 torney General for Child Exploitation and Interdic-
 24 tion, whose duties shall include coordinating the de-

1 velopment of the National Strategy established
2 under subsection (a).

3 (2) DUTIES.—The duties of the official des-
4 ignated under paragraph (1) shall include—

5 (A) acting as a liaison with all Federal
6 agencies regarding the development of the Na-
7 tional Strategy;

8 (B) working to ensure that there is proper
9 coordination among agencies in developing the
10 National Strategy;

11 (C) being knowledgeable about budget pri-
12 orities and familiar with all efforts within the
13 Department of Justice and the FBI related to
14 child exploitation prevention and interdiction;
15 and

16 (D) communicating the National Strategy
17 to Congress and being available to answer ques-
18 tions related to the strategy at congressional
19 hearings, if requested by committees of appro-
20 priate jurisdictions, on the contents of the Na-
21 tional Strategy and progress of the Department
22 of Justice in implementing the National Strat-
23 egy.

1 **SEC. 2812. ESTABLISHMENT OF NATIONAL ICAC TASK**
2 **FORCE PROGRAM.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established within
5 the Department of Justice, under the general au-
6 thority of the Attorney General, a National Internet
7 Crimes Against Children Task Force Program (here-
8 inafter in this title referred to as the “ICAC Task
9 Force Program”), which shall consist of a national
10 program of State and local law enforcement task
11 forces dedicated to developing effective responses to
12 online enticement of children by sexual predators,
13 child exploitation, and child obscenity and pornog-
14 raphy cases.

15 (2) INTENT OF CONGRESS.—It is the purpose
16 and intent of Congress that the ICAC Task Force
17 Program established under paragraph (1) is in-
18 tended to continue the ICAC Task Force Program
19 authorized under title I of the Departments of Com-
20 merce, Justice, and State, the Judiciary, and Re-
21 lated Agencies Appropriations Act, 1998, and fund-
22 ed under title IV of the Juvenile Justice and Delin-
23 quency Prevention Act of 1974.

24 (b) NATIONAL PROGRAM.—

25 (1) STATE REPRESENTATION.—The ICAC Task
26 Force Program established under subsection (a)

1 shall include at least 1 ICAC task force in each
2 State.

3 (2) CAPACITY AND CONTINUITY OF INVESTIGA-
4 TIONS.—In order to maintain established capacity
5 and continuity of investigations and prosecutions of
6 child exploitation cases, the Attorney General, shall,
7 in establishing the ICAC Task Force Program under
8 subsection (a) consult with and consider all 59 task
9 forces in existence on the date of enactment of this
10 Act. The Attorney General shall include all existing
11 ICAC task forces in the ICAC Task Force Program,
12 unless the Attorney General makes a determination
13 that an existing ICAC does not have a proven track
14 record of success.

15 (3) ONGOING REVIEW.—The Attorney General
16 shall—

17 (A) conduct periodic reviews of the effec-
18 tiveness of each ICAC task force established
19 under this section; and

20 (B) have the discretion to establish a new
21 task force if the Attorney General determines
22 that such decision will enhance the effectiveness
23 of combating child exploitation provided that
24 the Attorney General notifies Congress in ad-
25 vance of any such decision and that each state

1 maintains at least 1 ICAC task force at all
2 times.

3 (4) TRAINING.—

4 (A) IN GENERAL.—The Attorney General
5 may establish national training programs to
6 support the mission of the ICAC task forces, in-
7 cluding the effective use of the National Inter-
8 net Crimes Against Children Data System.

9 (B) LIMITATION.—In establishing training
10 courses under this paragraph, the Attorney
11 General may not award any one entity other
12 than a law enforcement agency more than
13 \$2,000,000 annually to establish and conduct
14 training courses for ICAC task force members
15 and other law enforcement officials.

16 (C) REVIEW.—The Attorney General
17 shall—

18 (i) conduct periodic reviews of the ef-
19 fectiveness of each training session author-
20 ized by this paragraph; and

21 (ii) consider outside reports related to
22 the effective use of Federal funding in
23 making future grant awards for training.

1 **SEC. 2813. PURPOSE OF ICAC TASK FORCES.**

2 The ICAC Task Force Program, and each State or
3 local ICAC task force that is part of the national program
4 of task forces, shall be dedicated toward—

5 (1) increasing the investigative capabilities of
6 State and local law enforcement officers in the de-
7 tection, investigation, and apprehension of Internet
8 crimes against children offenses or offenders, includ-
9 ing technology-facilitated child exploitation offenses;

10 (2) conducting proactive and reactive Internet
11 crimes against children investigations;

12 (3) providing training and technical assistance
13 to ICAC task forces and other Federal, State, and
14 local law enforcement agencies in the areas of inves-
15 tigation, forensics, prosecution, community out-
16 reach, and capacity-building, using recognized ex-
17 perts to assist in the development and delivery of
18 training programs;

19 (4) increasing the number of Internet crimes
20 against children offenses being investigated and
21 prosecuted in both Federal and State courts;

22 (5) creating a multiagency task force response
23 to Internet crimes against children offenses within
24 each State;

25 (6) participating in the Department of Justice's
26 Project Safe Childhood initiative, the purpose of

1 which is to combat technology-facilitated sexual ex-
2 ploitation crimes against children;

3 (7) enhancing nationwide responses to Internet
4 crimes against children offenses, including assisting
5 other ICAC task forces, as well as other Federal,
6 State, and local agencies with Internet crimes
7 against children investigations and prosecutions;

8 (8) developing and delivering Internet crimes
9 against children public awareness and prevention
10 programs; and

11 (9) participating in such other activities, both
12 proactive and reactive, that will enhance investiga-
13 tions and prosecutions of Internet crimes against
14 children.

15 **SEC. 2814. DUTIES AND FUNCTIONS OF TASK FORCES.**

16 Each State or local ICAC task force that is part of
17 the national program of task forces shall—

18 (1) consist of State and local investigators,
19 prosecutors, forensic specialists, and education spe-
20 cialists who are dedicated to addressing the goals of
21 such task force;

22 (2) work consistently toward achieving the pur-
23 poses described in section 2813;

1 (3) engage in proactive investigations, forensic
2 examinations, and effective prosecutions of Internet
3 crimes against children;

4 (4) provide forensic, preventive, and investiga-
5 tive assistance to parents, educators, prosecutors,
6 law enforcement, and others concerned with Internet
7 crimes against children;

8 (5) develop multijurisdictional, multiagency re-
9 sponses and partnerships to Internet crimes against
10 children offenses through ongoing informational, ad-
11 ministrative, and technological support to other
12 State and local law enforcement agencies, as a
13 means for such agencies to acquire the necessary
14 knowledge, personnel, and specialized equipment to
15 investigate and prosecute such offenses;

16 (6) participate in nationally coordinated inves-
17 tigations in any case in which the Attorney General
18 determines such participation to be necessary, as
19 permitted by the available resources of such task
20 force;

21 (7) establish or adopt investigative and prosecu-
22 tion standards, consistent with established norms, to
23 which such task force shall comply;

24 (8) investigate, and seek prosecution on, tips
25 related to Internet crimes against children, including

1 tips from Operation Fairplay, the National Internet
2 Crimes Against Children Data System established in
3 section 2815, the National Center for Missing and
4 Exploited Children's CyberTipline, ICAC task forces,
5 and other Federal, State, and local agencies, with
6 priority being given to investigative leads that indi-
7 cate the possibility of identifying or rescuing child
8 victims, including investigative leads that indicate a
9 likelihood of seriousness of offense or dangerousness
10 to the community;

11 (9) develop procedures for handling seized evi-
12 dence;

13 (10) maintain—

14 (A) such reports and records as are re-
15 quired under this part; and

16 (B) such other reports and records as de-
17 termined by the Attorney General; and

18 (11) seek to comply with national standards re-
19 garding the investigation and prosecution of Internet
20 crimes against children, as set forth by the Attorney
21 General, to the extent such standards are consistent
22 with the law of the State where the task force is lo-
23 cated.

1 **SEC. 2815. NATIONAL INTERNET CRIMES AGAINST CHIL-**
2 **DREN DATA SYSTEM.**

3 (a) IN GENERAL.—The Attorney General shall estab-
4 lish, consistent with all existing Federal laws relating to
5 the protection of privacy, a National Internet Crimes
6 Against Children Data System. The system shall not be
7 used to search for or obtain any information that does
8 not involve the use of the Internet to post or traffic images
9 of child exploitation.

10 (b) PURPOSE OF SYSTEM.—The National Internet
11 Crimes Against Children Data System established under
12 subsection (a) shall be dedicated to assisting and sup-
13 porting credentialed law enforcement agencies authorized
14 to investigate child exploitation in accordance with Fed-
15 eral, State, local, and tribal laws, including by providing
16 assistance and support to—

17 (1) Federal agencies investigating and pros-
18 ecuting child exploitation;

19 (2) the ICAC Task Force Program established
20 under section 2812;

21 (3) State, local, and tribal agencies inves-
22 tigating and prosecuting child exploitation; and

23 (4) foreign or international law enforcement
24 agencies, subject to approval by the Attorney Gen-
25 eral.

1 (c) CYBER SAFE DECONFLICTION AND INFORMATION
2 SHARING.—The National Internet Crimes Against Chil-
3 dren Data System established under subsection (a)—

4 (1) shall be housed and maintained within the
5 Department of Justice or a credentialed law enforce-
6 ment agency;

7 (2) shall be made available for a nominal
8 charge to support credentialed law enforcement
9 agencies in accordance with subsection (b); and

10 (3) shall—

11 (A) allow Federal, State, local, and tribal
12 agencies and ICAC task forces investigating
13 and prosecuting child exploitation to contribute
14 and access data for use in resolving case con-
15 flicts;

16 (B) provide, directly or in partnership with
17 a credentialed law enforcement agency, a dy-
18 namic undercover infrastructure to facilitate on-
19 line law enforcement investigations of child ex-
20 ploitation;

21 (C) facilitate the development of essential
22 software and network capability for law enforce-
23 ment participants; and

24 (D) provide software or direct hosting and
25 support for online investigations of child exploi-

1 tation activities, or, in the alternative, provide
2 users with a secure connection to an alternative
3 system that provides such capabilities, provided
4 that the system is hosted within a governmental
5 agency or a credentialed law enforcement agen-
6 cy.

7 (d) COLLECTION AND REPORTING OF DATA.—

8 (1) IN GENERAL.—The National Internet
9 Crimes Against Children Data System established
10 under subsection (a) shall ensure the following:

11 (A) REAL-TIME REPORTING.—All child ex-
12 ploitation cases involving local child victims that
13 are reasonably detectable using available soft-
14 ware and data are, immediately upon their de-
15 tection, made available to participating law en-
16 forcement agencies.

17 (B) HIGH-PRIORITY SUSPECTS.—Every 30
18 days, at minimum, the National Internet
19 Crimes Against Children Data System shall—

20 (i) identify high-priority suspects, as
21 such suspects are determined by the vol-
22 ume of suspected criminal activity or other
23 indicators of seriousness of offense or dan-
24 gerousness to the community or a potential
25 local victim; and

1 (ii) report all such identified high-pri-
2 ority suspects to participating law enforce-
3 ment agencies.

4 (C) ANNUAL REPORTS.—Any statistical
5 data indicating the overall magnitude of child
6 pornography trafficking and child exploitation
7 in the United States and internationally is
8 made available and included in the National
9 Strategy, as is required under section
10 2811(c)(16).

11 (2) RULE OF CONSTRUCTION.—Nothing in this
12 subsection shall be construed to limit the ability of
13 participating law enforcement agencies to dissemi-
14 nate investigative leads or statistical information in
15 accordance with State and local laws.

16 (e) MANDATORY REQUIREMENTS OF NETWORK.—
17 The National Internet Crimes Against Children Data Sys-
18 tem established under subsection (a) shall develop, deploy,
19 and maintain an integrated technology and training pro-
20 gram that provides—

21 (1) a secure, online system for Federal law en-
22 forcement agencies, ICAC task forces, and other
23 State, local, and tribal law enforcement agencies for
24 use in resolving case conflicts, as provided in sub-
25 section (c);

1 (2) a secure system enabling online communica-
2 tion and collaboration by Federal law enforcement
3 agencies, ICAC task forces, and other State, local,
4 and tribal law enforcement agencies regarding ongoing
5 investigations, investigatory techniques, best
6 practices, and any other relevant news and profes-
7 sional information;

8 (3) a secure online data storage and analysis
9 system for use by Federal law enforcement agencies,
10 ICAC task forces, and other State, local, and tribal
11 law enforcement agencies;

12 (4) secure connections or interaction with State
13 and local law enforcement computer networks, con-
14 sistent with reasonable and established security pro-
15 tocols and guidelines;

16 (5) guidelines for use of the National Internet
17 Crimes Against Children Data System by Federal,
18 State, local, and tribal law enforcement agencies and
19 ICAC task forces; and

20 (6) training and technical assistance on the use
21 of the National Internet Crimes Against Children
22 Data System by Federal, State, local, and tribal law
23 enforcement agencies and ICAC task forces.

24 (f) NATIONAL INTERNET CRIMES AGAINST CHIL-
25 DREN DATA SYSTEM STEERING COMMITTEE.—The Attor-

1 ney General shall establish a National Internet Crimes
2 Against Children Data System Steering Committee to pro-
3 vide guidance to the Network relating to the program
4 under subsection (e), and to assist in the development of
5 strategic plans for the System. The Steering Committee
6 shall consist of 10 members with expertise in child exploi-
7 tation prevention and interdiction prosecution, investiga-
8 tion, or prevention, including—

9 (1) 3 representatives elected by the local direc-
10 tors of the ICAC task forces, such representatives
11 shall represent different geographic regions of the
12 country;

13 (2) 1 representative of the Department of Jus-
14 tice Office of Information Services;

15 (3) 1 representative from Operation Fairplay,
16 currently hosted at the Wyoming Office of the Attor-
17 ney General;

18 (4) 1 representative from the law enforcement
19 agency having primary responsibility for hosting and
20 maintaining the National Internet Crimes Against
21 Children Data System;

22 (5) 1 representative of the Federal Bureau of
23 Investigation's Innocent Images National Initiative
24 or Regional Computer Forensic Lab program;

1 (6) 1 representative of the Immigration and
2 Customs Enforcement's Cyber Crimes Center;

3 (7) 1 representative of the United States Postal
4 Inspection Service; and

5 (8) 1 representative of the Department of Jus-
6 tice.

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated for each of the fiscal
9 years 2009 through 2016, \$2,000,000 to carry out the
10 provisions of this section.

11 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion may be construed to authorize any activity that is
13 inconsistent with any Federal law, regulation, or constitu-
14 tional constraint.

15 **SEC. 2816. ICAC GRANT PROGRAM.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—The Attorney General is au-
18 thorized to award grants to State and local ICAC
19 task forces to assist in carrying out the duties and
20 functions described under section 2814.

21 (2) FORMULA GRANTS.—

22 (A) DEVELOPMENT OF FORMULA.—At
23 least 75 percent of the total funds appropriated
24 to carry out this section shall be available to
25 award or otherwise distribute grants pursuant

1 to a funding formula established by the Attor-
2 ney General in accordance with the require-
3 ments in subparagraph (B).

4 (B) FORMULA REQUIREMENTS.—Any for-
5 mula established by the Attorney General under
6 subparagraph (A) shall—

7 (i) ensure that each State or local
8 ICAC task force shall, at a minimum, re-
9 ceive an amount equal to 0.5 percent of
10 the funds available to award or otherwise
11 distribute grants under subparagraph (A);
12 and

13 (ii) take into consideration the fol-
14 lowing factors:

15 (I) The population of each State,
16 as determined by the most recent de-
17 cennial census performed by the Bu-
18 reau of the Census.

19 (II) The number of investigative
20 leads within the applicant's jurisdic-
21 tion generated by Operation Fairplay,
22 the ICAC Data Network, the
23 CyberTipline, and other sources.

24 (III) The number of criminal
25 cases related to Internet crimes

1 against children referred to a task
2 force for Federal, State, or local pros-
3 ecution.

4 (IV) The number of successful
5 prosecutions of child exploitation
6 cases by a task force.

7 (V) The amount of training,
8 technical assistance, and public edu-
9 cation or outreach by a task force re-
10 lated to the prevention, investigation,
11 or prosecution of child exploitation of-
12 fenses.

13 (VI) Such other criteria as the
14 Attorney General determines dem-
15 onstrate the level of need for addi-
16 tional resources by a task force.

17 (3) DISTRIBUTION OF REMAINING FUNDS
18 BASED ON NEED.—

19 (A) IN GENERAL.—Any funds remaining
20 from the total funds appropriated to carry out
21 this section after funds have been made avail-
22 able to award or otherwise distribute formula
23 grants under paragraph (2)(A) shall be distrib-
24 uted to State and local ICAC task forces based
25 upon need, as set forth by criteria established

1 by the Attorney General. Such criteria shall in-
2 clude the factors under paragraph (2)(B)(ii).

3 (B) MATCHING REQUIREMENT.—A State
4 or local ICAC task force shall contribute match-
5 ing non-Federal funds in an amount equal to
6 not less than 25 percent of the amount of funds
7 received by the State or local ICAC task force
8 under subparagraph (A). A State or local ICAC
9 task force that is not able or willing to con-
10 tribute matching funds in accordance with this
11 subparagraph shall not be eligible for funds
12 under subparagraph (A).

13 (C) WAIVER.—The Attorney General may
14 waive, in whole or in part, the matching re-
15 quirement under subparagraph (B) if the State
16 or local ICAC task force demonstrates good
17 cause or financial hardship.

18 (b) APPLICATION.—

19 (1) IN GENERAL.—Each State or local ICAC
20 task force seeking a grant under this section shall
21 submit an application to the Attorney General at
22 such time, in such manner, and accompanied by
23 such information as the Attorney General may rea-
24 sonably require.

1 (2) CONTENTS.—Each application submitted
2 pursuant to paragraph (1) shall—

3 (A) describe the activities for which assist-
4 ance under this section is sought; and

5 (B) provide such additional assurances as
6 the Attorney General determines to be essential
7 to ensure compliance with the requirements of
8 this part.

9 (c) ALLOWABLE USES.—Grants awarded under this
10 section may be used to—

11 (1) hire personnel, investigators, prosecutors,
12 education specialists, and forensic specialists;

13 (2) establish and support forensic laboratories
14 utilized in Internet crimes against children investiga-
15 tions;

16 (3) support investigations and prosecutions of
17 Internet crimes against children;

18 (4) conduct and assist with education programs
19 to help children and parents protect themselves from
20 Internet predators;

21 (5) conduct and attend training sessions related
22 to successful investigations and prosecutions of
23 Internet crimes against children; and

1 (6) fund any other activities directly related to
2 preventing, investigating, or prosecuting Internet
3 crimes against children.

4 (d) REPORTING REQUIREMENTS.—

5 (1) ICAC REPORTS.—To measure the results of
6 the activities funded by grants under this section,
7 and to assist the Attorney General in complying with
8 the Government Performance and Results Act (Pub-
9 lic Law 103–62; 107 Stat. 285), each State or local
10 ICAC task force receiving a grant under this section
11 shall, on an annual basis, submit a report to the At-
12 torney General that sets forth the following:

13 (A) Staffing levels of the task force, in-
14 cluding the number of investigators, prosecu-
15 tors, education specialists, and forensic special-
16 ists dedicated to investigating and prosecuting
17 Internet crimes against children.

18 (B) Investigation and prosecution perform-
19 ance measures of the task force, including—

20 (i) the number of investigations initi-
21 ated related to Internet crimes against
22 children;

23 (ii) the number of arrests related to
24 Internet crimes against children; and

1 (iii) the number of prosecutions for
2 Internet crimes against children, includ-
3 ing—

4 (I) whether the prosecution re-
5 sulted in a conviction for such crime;
6 and

7 (II) the sentence and the statu-
8 tory maximum for such crime under
9 State law.

10 (C) The number of referrals made by the
11 task force to the United States Attorneys office,
12 including whether the referral was accepted by
13 the United States Attorney.

14 (D) Statistics that account for the disposi-
15 tion of investigations that do not result in ar-
16 rests or prosecutions, such as referrals to other
17 law enforcement.

18 (E) The number of investigative technical
19 assistance sessions that the task force provided
20 to nonmember law enforcement agencies.

21 (F) The number of computer forensic ex-
22 aminations that the task force completed.

23 (G) The number of law enforcement agen-
24 cies participating in Internet crimes against

1 children program standards established by the
2 task force.

3 (2) REPORT TO CONGRESS.—Not later than 1
4 year after the date of enactment of this Act, the At-
5 torney General shall submit a report to Congress
6 on—

7 (A) the progress of the development of the
8 ICAC Task Force Program established under
9 section 2812; and

10 (B) the number of Federal and State in-
11 vestigations, prosecutions, and convictions in
12 the prior 12-month period related to child ex-
13 ploitation.

14 **SEC. 2817. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—There are authorized to be appro-
16 priated to carry out this part—

17 (1) \$60,000,000 for fiscal year 2009;

18 (2) \$60,000,000 for fiscal year 2010;

19 (3) \$60,000,000 for fiscal year 2011;

20 (4) \$60,000,000 for fiscal year 2012; and

21 (5) \$60,000,000 for fiscal year 2013.

22 (b) AVAILABILITY.—Funds appropriated under sub-
23 section (a) shall remain available until expended.

1 **PART II—ADDITIONAL MEASURES TO COMBAT**

2 **CHILD EXPLOITATION**

3 **SEC. 2821. ADDITIONAL REGIONAL COMPUTER FORENSIC**

4 **LABS.**

5 (a) **ADDITIONAL RESOURCES.**—The Attorney Gen-
6 eral shall establish additional computer forensic capacity
7 to address the current backlog for computer forensics, in-
8 cluding for child exploitation investigations. The Attorney
9 General may utilize funds under this part to increase ca-
10 pacity at existing regional forensic laboratories or to add
11 laboratories under the Regional Computer Forensic Lab-
12 oratories Program operated by the Federal Bureau of In-
13 vestigation.

14 (b) **PURPOSE OF NEW RESOURCES.**—The additional
15 forensic capacity established by resources provided under
16 this section shall be dedicated to assist Federal agencies,
17 State and local Internet Crimes Against Children task
18 forces, and other Federal, State, and local law enforce-
19 ment agencies in preventing, investigating, and pros-
20 ecuting Internet crimes against children.

21 (c) **NEW COMPUTER FORENSIC LABS.**—If the Attor-
22 ney General determines that new regional computer foren-
23 sic laboratories are required under subsection (a) to best
24 address existing backlogs, such new laboratories shall be
25 established pursuant to subsection (d).

1 (d) LOCATION OF NEW LABS.—The location of any
 2 new regional computer forensic laboratories under this
 3 section shall be determined by the Attorney General, in
 4 consultation with the Director of the Federal Bureau of
 5 Investigation, the Regional Computer Forensic Laboratory
 6 National Steering Committee, and other relevant stake-
 7 holders.

8 (e) REPORT.—Not later than 1 year after the date
 9 of enactment of this Act, and every year thereafter, the
 10 Attorney General shall submit a report to the Congress
 11 on how the funds appropriated under this section were uti-
 12 lized.

13 (f) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated for fiscal years 2009
 15 through 2013, \$2,000,000 to carry out the provisions of
 16 this section.

17 **PART III—EFFECTIVE CHILD PORNOGRAPHY**
 18 **PROSECUTION**

19 **SEC. 2831. PROHIBIT THE BROADCAST OF LIVE IMAGES OF**
 20 **CHILD ABUSE.**

21 Section 2251 of title 18, United States Code is
 22 amended—

23 (1) in subsection (a), by—

24 (A) inserting “or for the purpose of trans-
 25 mitting a live visual depiction of such conduct”

1 after “for the purpose of producing any visual
2 depiction of such conduct”;

3 (B) inserting “or transmitted” after “if
4 such person knows or has reason to know that
5 such visual depiction will be transported”;

6 (C) inserting “or transmitted” after “if
7 that visual depiction was produced”; and

8 (D) inserting “or transmitted” after “has
9 actually been transported”; and

10 (2) in subsection (b), by—

11 (A) inserting “or for the purpose of trans-
12 mitting a live visual depiction of such conduct”
13 after “for the purpose of producing any visual
14 depiction of such conduct”;

15 (B) inserting “or transmitted” after “per-
16 son knows or has reason to know that such vis-
17 ual depiction will be transported”;

18 (C) inserting “or transmitted” after “if
19 that visual depiction was produced”; and

20 (D) inserting “or transmitted” after “has
21 actually been transported”.

22 **SEC. 2832. AMENDMENT TO SECTION 2256 OF TITLE 18,**
23 **UNITED STATES CODE.**

24 Section 2256(5) of title 18, United States Code is
25 amended by—

1 (1) striking “and” before “data”;

2 (2) after “visual image” by inserting “, and
3 data which is capable of conversion into a visual
4 image that has been transmitted by any means,
5 whether or not stored in a permanent format”.

6 **SEC. 2833. AMENDMENT TO SECTION 2260 OF TITLE 18,**
7 **UNITED STATES CODE.**

8 Section 2260(a) of title 18, United States Code, is
9 amended by—

10 (1) inserting “or for the purpose of transmit-
11 ting a live visual depiction of such conduct” after
12 “for the purpose of producing any visual depiction of
13 such conduct”; and

14 (2) inserting “or transmitted” after “im-
15 ported”.

16 **SEC. 2834. PROHIBITING THE ADAPTATION OR MODIFICA-**
17 **TION OF AN IMAGE OF AN IDENTIFIABLE**
18 **MINOR TO PRODUCE CHILD PORNOGRAPHY.**

19 (a) OFFENSE.—Subsection (a) of section 2252A of
20 title 18, United States Code, is amended—

21 (1) in paragraph (5), by striking “; or” at the
22 end and inserting a semicolon;

23 (2) in paragraph (6), by striking the period at
24 the end and inserting “; or”; and

1 (3) by inserting after paragraph (6) the fol-
 2 lowing:

3 “(7) in or affecting interstate or foreign com-
 4 merce, knowingly modifies, with intent to distribute,
 5 a visual depiction of an identifiable minor so that
 6 the depiction becomes child pornography.”.

7 (b) PUNISHMENT.—Subsection (b) of section 2252A
 8 of title 18, United States Code, is amended by adding at
 9 the end the following:

10 “(3) Whoever violates, or attempts or conspires
 11 to violate, subsection (a)(7) shall be fined under this
 12 title or imprisoned not more than 15 years, or
 13 both.”.

14 **PART IV—NATIONAL INSTITUTE OF JUSTICE**

15 **STUDY OF RISK FACTORS**

16 **SEC. 2841. NIJ STUDY OF RISK FACTORS FOR ASSESSING** 17 **DANGEROUSNESS.**

18 (a) IN GENERAL.—Not later than 1 year after the
 19 date of enactment of this Act, the National Institute of
 20 Justice shall prepare a report to identify investigative fac-
 21 tors that reliably indicate whether a subject of an online
 22 child exploitation investigation poses a high risk of harm
 23 to children. Such a report shall be prepared in consulta-
 24 tion and coordination with Federal law enforcement agen-
 25 cies, the National Center for Missing and Exploited Chil-

1 dren, Operation Fairplay at the Wyoming Attorney Gen-
2 eral's Office, the Internet Crimes Against Children Task
3 Force, and other State and local law enforcement.

4 (b) CONTENTS OF ANALYSIS.—The report required
5 by subsection (a) shall include a thorough analysis of po-
6 tential investigative factors in on-line child exploitation
7 cases and an appropriate examination of investigative data
8 from prior prosecutions and case files of identified child
9 victims.

10 (c) REPORT TO CONGRESS.—Not later than 1 year
11 after the date of enactment of this Act, the National Insti-
12 tute of Justice shall submit a report to the House and
13 Senate Judiciary Committees that includes the findings of
14 the study required by this section and makes recommenda-
15 tions on technological tools and law enforcement proce-
16 dures to help investigators prioritize scarce resources to
17 those cases where there is actual hands-on abuse by the
18 suspect.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated \$500,000 to the Na-
21 tional Institute of Justice to conduct the study required
22 under this section.

1 **TITLE III—ENVIRONMENT AND**
 2 **PUBLIC WORKS PROVISIONS**
 3 **Subtitle A—Captive Primate Safety**
 4 **Act**

5 **SEC. 3001. SHORT TITLE.**

6 This subtitle may be cited as the “Captive Primate
 7 Safety Act”.

8 **SEC. 3002. ADDITION OF NONHUMAN PRIMATES TO DEFINI-**
 9 **TION OF PROHIBITED WILDLIFE SPECIES.**

10 Section 2(g) of the Lacey Act Amendments of 1981
 11 (16 U.S.C. 3371(g)) is amended by inserting before the
 12 period at the end “or any nonhuman primate”.

13 **SEC. 3003. CAPTIVE WILDLIFE AMENDMENTS.**

14 (a) PROHIBITED ACTS.—Section 3 of the Lacey Act
 15 Amendments of 1981 (16 U.S.C. 3372) is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (2)—

18 (i) in subparagraph (A), by inserting
 19 “or” after the semicolon;

20 (ii) in subparagraph (B)(iii), by strik-
 21 ing “; or” and inserting a semicolon; and

22 (iii) by striking subparagraph (C);

23 and

24 (B) in paragraph (4), by inserting “or sub-
 25 section (e)” before the period; and

1 (2) in subsection (e)—

2 (A) by redesignating paragraphs (2), (3),
3 (4), and (5) as paragraphs (3), (4), (5), and (6)
4 respectively;

5 (B) by striking “(e)” and all that follows
6 through “Subsection (a)(2)(C) does not apply”
7 in paragraph (1) and inserting the following:

8 “(e) CAPTIVE WILDLIFE OFFENSE.—

9 “(1) IN GENERAL.—It is unlawful for any per-
10 son to import, export, transport, sell, receive, ac-
11 quire, or purchase in interstate or foreign commerce
12 any live animal of any prohibited wildlife species.

13 “(2) LIMITATION ON APPLICATION.—This sub-
14 section—

15 “(A) does not apply to a person trans-
16 porting a nonhuman primate to or from a vet-
17 erinarian who is licensed to practice veterinary
18 medicine within the United States, solely for
19 the purpose of providing veterinary care to the
20 nonhuman primate, if—

21 “(i) the person transporting the
22 nonhuman primate carries written docu-
23 mentation issued by the veterinarian, in-
24 cluding the appointment date and location;

1 “(ii) the nonhuman primate is trans-
2 ported in a secure enclosure appropriate
3 for that species of primate;

4 “(iii) the nonhuman primate has no
5 contact with any other animals or members
6 of the public, other than the veterinarian
7 and other authorized medical personnel
8 providing veterinary care; and

9 “(iv) such transportation and provi-
10 sion of veterinary care is in accordance
11 with all otherwise applicable State and
12 local laws, regulations, permits, and health
13 certificates;

14 “(B) does not apply to a person trans-
15 porting a nonhuman primate to a legally des-
16 ignated caregiver for the nonhuman primate as
17 a result of the death of the preceding owner of
18 the nonhuman primate, if—

19 “(i) the person transporting the
20 nonhuman primate is carrying legal docu-
21 mentation to support the need for trans-
22 porting the nonhuman primate to the le-
23 gally designated caregiver;

1 “(ii) the nonhuman primate is trans-
2 ported in a secure enclosure appropriate
3 for the species;

4 “(iii) the nonhuman primate has no
5 contact with any other animals or members
6 of the public while being transported to the
7 legally designated caregiver; and

8 “(iv) all applicable State and local re-
9 strictions on such transport, and all appli-
10 cable State and local requirements for per-
11 mits or health certificates, are complied
12 with;

13 “(C) does not apply to a person trans-
14 porting a nonhuman primate solely for the pur-
15 pose of assisting an individual who is perma-
16 nently disabled with a severe mobility impair-
17 ment, if—

18 “(i) the nonhuman primate is a single
19 animal of the genus *Cebus*;

20 “(ii) the nonhuman primate was ob-
21 tained from, and trained at, a licensed
22 nonprofit organization described in section
23 501(c)(3) of the Internal Revenue Code of
24 1986 the nonprofit tax status of which was
25 obtained—

1 “(I) before July 18, 2008; and

2 “(II) on the basis that the mis-
3 sion of the organization is to improve
4 the quality of life of severely mobility-
5 impaired individuals;

6 “(iii) the person transporting the
7 nonhuman primate is a specially trained
8 employee or agent of a nonprofit organiza-
9 tion described in clause (ii) that is trans-
10 porting the nonhuman primate to or from
11 a designated individual who is permanently
12 disabled with a severe mobility impairment,
13 or to or from a licensed foster care home
14 providing specialty training of the
15 nonhuman primate solely for purposes of
16 assisting an individual who is permanently
17 disabled with severe mobility impairment;

18 “(iv) the person transporting the
19 nonhuman primate carries documentation
20 from the applicable nonprofit organization
21 that includes the name of the designated
22 individual referred to in clause (iii);

23 “(v) the nonhuman primate is trans-
24 ported in a secure enclosure that is appro-
25 priate for that species;

1 “(vi) the nonhuman primate has no
 2 contact with any animal or member of the
 3 public, other than the designated individual
 4 referred to in clause (iii); and

5 “(vii) the transportation of the
 6 nonhuman primate is in compliance with—

7 “(I) all applicable State and local
 8 restrictions regarding the transport;
 9 and

10 “(II) all applicable State and
 11 local requirements regarding permits
 12 or health certificates; and

13 “(D) does not apply”;

14 (C) in paragraph (2) (as redesignated by
 15 subparagraph (A))—

16 (i) by striking “a” before “prohibited”
 17 and inserting “any”;

18 (ii) by striking “(3)” and inserting
 19 “(4)”; and

20 (iii) by striking “(2)” and inserting
 21 “(3)”;

22 (D) in paragraph (3) (as redesignated by
 23 subparagraph (A))—

24 (i) in subparagraph (C)—

1 (I) in clauses (ii) and (iii), by
 2 striking “animals listed in section
 3 2(g)” each place it appears and in-
 4 serting “prohibited wildlife species”;
 5 and

6 (II) in clause (iv), by striking
 7 “animals” and inserting “prohibited
 8 wildlife species”; and

9 (ii) in subparagraph (D), by striking
 10 “animal” each place it appears and insert-
 11 ing “prohibited wildlife species”;

12 (E) in paragraph (4) (as redesignated by
 13 subparagraph (A)), by striking “(2)” and in-
 14 serting “(3)”;

15 (F) in paragraph (6) (as redesignated by
 16 subparagraph (A)), by striking “subsection
 17 (a)(2)(C)” and inserting “this subsection”; and

18 (G) by inserting after paragraph (6) (as
 19 redesignated by subparagraph (A)) the fol-
 20 lowing:

21 “(7) APPLICATION.—This subsection shall
 22 apply beginning on the effective date of regulations
 23 promulgated under this subsection.”.

1 (b) CIVIL PENALTIES.—Section 4(a) of the Lacey
 2 Act Amendments of 1981 (16 U.S.C. 3373(a)) is amend-
 3 ed—

4 (1) in paragraph (1), by inserting “(e),” after
 5 “subsections (b), (d),” ; and

6 (2) in paragraph (1), by inserting “, (e),” after
 7 “subsection (d)”.

8 (c) CRIMINAL PENALTIES.—Section 4(d) of the
 9 Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is
 10 amended—

11 (1) in paragraphs (1)(A) and (1)(B) and in the
 12 first sentence of paragraph (2), by inserting “(e),”
 13 after “subsections (b), (d),” each place it appears;
 14 and

15 (2) in paragraph (3), by inserting “, (e),” after
 16 “subsection (d)”.

17 **SEC. 3004. APPLICABILITY PROVISION AMENDMENT.**

18 Section 3 of the Captive Wildlife Safety Act (117
 19 Stat. 2871; Public Law 108–191) is amended—

20 (1) in subsection (a), by striking “(a) IN GEN-
 21 ERAL.—Section 3” and inserting “Section 3”; and

22 (2) by striking subsection (b).

1 **SEC. 3005. REGULATIONS.**

2 Section 7(a) of the Lacey Act Amendments of 1981
3 (16 U.S.C. 3376(a)) is amended by adding at the end the
4 following new paragraph:

5 “(3) The Secretary shall, in consultation with
6 other relevant Federal and State agencies, issue reg-
7 ulations to implement section 3(e).”.

8 **SEC. 3006. AUTHORIZATION OF APPROPRIATIONS FOR AD-**
9 **DITIONAL LAW ENFORCEMENT PERSONNEL.**

10 In addition to such other amounts as are authorized
11 to carry out the Lacey Act Amendments of 1981 (16
12 U.S.C. 3371 et seq.), there is authorized to be appro-
13 priated to the Secretary of the Interior \$5,000,000 for fis-
14 cal year 2009 to hire additional law enforcement personnel
15 of the United States Fish and Wildlife Service to enforce
16 that Act.

17 **Subtitle B—Chesapeake Bay Gate-**
18 **ways and Watertrails Network**
19 **Continuing Authorization Act**

20 **SEC. 3011. SHORT TITLE.**

21 This subtitle may be cited as the “Chesapeake Bay
22 Gateways and Watertrails Network Continuing Authoriza-
23 tion Act”.

24 **SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.**

25 Section 502 of the Chesapeake Bay Initiative Act of
26 1998 (16 U.S.C. 461 note; Public Law 105–312) is

1 amended by striking subsection (c) and inserting the fol-
2 lowing:

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated such sums as are nec-
5 essary to carry out this section.”.

6 **Subtitle C—Beach Protection Act**
7 **of 2008**

8 **SEC. 3021. SHORT TITLE.**

9 This subtitle may be cited as the “Beach Protection
10 Act of 2008”.

11 **SEC. 3022. BEACHWATER POLLUTION SOURCE IDENTIFICA-**
12 **TION AND PREVENTION.**

13 (a) IN GENERAL.—Section 406 of the Federal Water
14 Pollution Control Act (33 U.S.C. 1346) is amended in
15 each of subsections (b), (c), (d), (g), and (h) by striking
16 “monitoring and notification” each place it appears and
17 inserting “monitoring, public notification, source tracking,
18 and sanitary surveys to address the identified sources of
19 beachwater pollution”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
21 406(i) of the Federal Water Pollution Control Act (33
22 U.S.C. 1346(i)) is amended by striking “\$30,000,000 for
23 each of fiscal years 2001 through 2005” and inserting
24 “\$60,000,000 for each of fiscal years 2008 through
25 2013”.

1 **SEC. 3023. FUNDING FOR BEACHES ENVIRONMENTAL AS-**
 2 **SESSMENT AND COASTAL HEALTH ACT.**

3 Section 8 of the Beaches Environmental Assessment
 4 and Coastal Health Act of 2000 (114 Stat. 877) is amend-
 5 ed by striking “2005” and inserting “2013”.

6 **SEC. 3024. STATE REPORTS.**

7 Section 406(b)(3)(A)(ii) of the Federal Water Pollu-
 8 tion Control Act (33 U.S.C. 1346(b)(3)(A)(ii)) is amended
 9 by inserting “and all environmental agencies of the State
 10 with authority to prevent or treat sources of beachwater
 11 pollution” after “public”.

12 **SEC. 3025. USE OF RAPID TESTING METHODS.**

13 (a) CONTENTS OF STATE AND LOCAL GOVERNMENT
 14 PROGRAMS.—Section 406(c)(4)(A) of the Federal Water
 15 Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is
 16 amended by inserting “, including the use of a rapid test-
 17 ing method after the last day of the 1-year period fol-
 18 lowing the date of approval of the rapid testing method
 19 by the Administrator” before the semicolon at the end.

20 (b) REVISED CRITERIA.—Section 304(a)(9) of the
 21 Federal Water Pollution Control Act (33 U.S.C.
 22 1314(a)(9)) is amended—

23 (1) in subparagraph (A)—

24 (A) by inserting “rapid” before “testing”;

25 and

26 (B) by striking “, as appropriate”; and

1 (2) by adding at the end the following:

2 “(C) VALIDATION OF RAPID TESTING
3 METHODS.—Not later than 2 years after the
4 date of enactment of this subparagraph, and
5 periodically thereafter, the Administrator shall
6 validate the rapid testing methods.”.

7 (c) DEFINITION.—Section 502 of the Federal Water
8 Pollution Control Act (33 U.S.C. 1362) is amended by
9 adding at the end the following:

10 “(25) RAPID TESTING METHOD.—The term
11 ‘rapid testing method’ means a method of testing for
12 which results are available within 2 hours after com-
13 mencement of the rapid testing method.”.

14 **SEC. 3026. PROMPT COMMUNICATION WITH STATE ENVI-**
15 **RONMENTAL AGENCIES.**

16 Section 406(c)(5) of the Federal Water Pollution
17 Control Act (33 U.S.C. 1346(c)(5)) is amended—

18 (1) in the matter preceding subparagraph (A),
19 by striking “prompt communication” and inserting
20 “communication within 24 hours of the receipt of
21 the results of a water quality sample”;

22 (2) in subparagraph (A), by striking “and” at
23 the end;

24 (3) in subparagraph (B), by inserting “and”
25 after the semicolon at the end; and

1 (4) by adding at the end the following:

2 “(C) all agencies of the State government
3 with authority to require the prevention or
4 treatment of the sources of beachwater pollu-
5 tion;”.

6 **SEC. 3027. CONTENT OF STATE AND LOCAL PROGRAMS.**

7 Section 406(c) of the Federal Water Pollution Con-
8 trol Act (33 U.S.C. 1346(c)) is amended—

9 (1) in paragraph (6), by striking “and” at the
10 end;

11 (2) in paragraph (7), by striking the period at
12 the end and inserting a semicolon;

13 (3) by adding at the end the following:

14 “(8) measures to develop and implement a
15 beachwater pollution source identification and track-
16 ing program for the coastal recreation waters that
17 are not meeting applicable water quality standards
18 for pathogens and pathogen indicators;

19 “(9) a publicly accessible and searchable geo-
20 graphical information system database with informa-
21 tion updated within 24 hours of the availability of
22 the information, organized by beach and with de-
23 fined standards, sampling plan, monitoring proto-
24 cols, sampling results, and number and cause of
25 beach closing and advisory days; and

1 “(10) measures to ensure that closures or
 2 advisories are made or issued within 24 hours after
 3 the State government determines that any coastal
 4 recreation waters in the State are not meeting or are
 5 not expected to meet applicable water quality stand-
 6 ards for pathogens and pathogen indicators.”.

7 **SEC. 3028. COMPLIANCE REVIEW.**

8 Section 406(h) of the Federal Water Pollution Con-
 9 trol Act (33 U.S.C. 1346(h)) is amended—

10 (1) by redesignating paragraphs (1) and (2) as
 11 subparagraphs (A) and (B), respectively, and indent-
 12 ing the subparagraphs appropriately;

13 (2) by striking “In the” and inserting the fol-
 14 lowing: “(1) IN GENERAL.—In the”; and

15 (3) by adding at the end the following:

16 “(2) COMPLIANCE REVIEW.—On or before July
 17 31 of each calendar year beginning after the date of
 18 enactment of this paragraph, the Administrator
 19 shall—

20 “(A) prepare a written assessment of com-
 21 pliance with all statutory and regulatory re-
 22 quirements of this section for each State and
 23 local government, and of compliance with condi-
 24 tions of each grant made under this section to
 25 a State or local government, including compli-

1 ance with any requirement or condition under
2 subsection (a)(2) or (c);

3 “(B) notify the State or local government
4 of the assessment; and

5 “(C) make each of the assessments avail-
6 able to the public in a searchable database on
7 or before December 31 of the calendar year.

8 “(3) CORRECTIVE ACTION.—

9 “(A) IN GENERAL.—Any State or local
10 government that the Administrator notifies
11 under paragraph (2) that the State or local gov-
12 ernment is not in compliance with any require-
13 ment or grant condition described in paragraph
14 (2) shall take such action as is necessary to
15 comply with the requirement or condition by
16 not later than 1 year after the date of the noti-
17 fication.

18 “(B) NONCOMPLIANCE.—If the State or
19 local government is not in compliance with such
20 a requirement or condition by the date that is
21 1 year after the deadline specified in subpara-
22 graph (A), any grants made under subsection
23 (b) to the State or local government, after the
24 last day of the 1-year period and while the
25 State or local government is not in compliance

1 with all requirements and grant conditions de-
2 scribed in paragraph (2), shall require a Fed-
3 eral share of not to exceed 50 percent.

4 “(4) GAO REVIEW.—Not later than December
5 31 of the third calendar year beginning after the
6 date of enactment of this paragraph, the Comp-
7 troller General of the United States shall—

8 “(A) conduct a review of the activities of
9 the Administrator under paragraphs (2) and
10 (3) during the first and second calendar years
11 beginning after that date of enactment; and

12 “(B) submit to Congress a report on the
13 results of the review.”.

14 **SEC. 3029. STUDY OF GRANT DISTRIBUTION FORMULA.**

15 (a) STUDY.—Not later than 30 days after the date
16 of enactment of this Act, the Administrator of the Envi-
17 ronmental Protection Agency (referred to in this section
18 as the “Administrator”) shall commence a study of the
19 formula for the distribution of grants under section 406
20 of the Federal Water Pollution Control Act (33 U.S.C.
21 1346) for the purpose of identifying potential revisions of
22 that formula.

23 (b) REQUIREMENTS.—In conducting the study, the
24 Administrator shall—

1 (1) consider the emphasis and valuation placed
 2 on length of beach season, including any findings
 3 made by the Government Accountability Office with
 4 respect to that emphasis and valuation; and

5 (2) consult with appropriate Federal, State, and
 6 local agencies.

7 (c) REPORT AND REVISION.—Not later than 1 year
 8 after the date of enactment of this Act, the Administrator
 9 shall—

10 (1) submit to the Committee on Environment
 11 and Public Works of the Senate and the Committee
 12 on Transportation and Infrastructure of the House
 13 of Representatives a report on the results of the
 14 study, including any recommendations for revisions
 15 of the distribution formula referred to in subsection
 16 (a); and

17 (2) revise the distribution formula referred to in
 18 subsection (a) in accordance with those rec-
 19 ommendations.

20 **Subtitle D—Appalachian Regional**
 21 **Development Act Amendments**
 22 **of 2008**

23 **SEC. 3031. SHORT TITLE.**

24 This subtitle may be cited as the “Appalachian Re-
 25 gional Development Act Amendments of 2008”.

1 **SEC. 3032. LIMITATION ON AVAILABLE AMOUNTS; MAX-**
2 **IMUM COMMISSION CONTRIBUTION.**

3 (a) GRANTS AND OTHER ASSISTANCE.—Section
4 14321(a) of title 40, United States Code, is amended—

5 (1) in paragraph (1)(A) by striking clause (i)
6 and inserting the following:

7 “(i) the amount of the grant shall not
8 exceed—

9 “(I) 50 percent of administrative
10 expenses;

11 “(II) at the discretion of the
12 Commission, if the grant is to a local
13 development district that has a char-
14 ter or authority that includes the eco-
15 nomic development of a county or a
16 part of a county for which a dis-
17 tressed county designation is in effect
18 under section 14526, 75 percent of
19 administrative expenses; or

20 “(III) at the discretion of the
21 Commission, if the grant is to a local
22 development district that has a char-
23 ter or authority that includes the eco-
24 nomic development of a county or a
25 part of a county for which an at-risk
26 county designation is in effect under

1 section 14526, 70 percent of adminis-
 2 trative expenses;” and

3 (2) in paragraph (2) by striking subparagraph
 4 (A) and inserting the following:

5 “(A) IN GENERAL.—Except as provided in
 6 subparagraph (B), of the cost of any activity el-
 7 igible for financial assistance under this section,
 8 not more than—

9 “(i) 50 percent may be provided from
 10 amounts appropriated to carry out this
 11 subtitle;

12 “(ii) in the case of a project to be car-
 13 ried out in a county for which a distressed
 14 county designation is in effect under sec-
 15 tion 14526, 80 percent may be provided
 16 from amounts appropriated to carry out
 17 this subtitle; or

18 “(iii) in the case of a project to be
 19 carried out in a county for which an at-
 20 risk county designation is in effect under
 21 section 14526, 70 percent may be provided
 22 from amounts appropriated to carry out
 23 this subtitle.”.

24 (b) DEMONSTRATION HEALTH PROJECTS.—Section
 25 14502 of title 40, United States Code, is amended—

1 (1) in subsection (d) by striking paragraph (2)
 2 and inserting the following:

3 “(2) LIMITATION ON AVAILABLE AMOUNTS.—
 4 Grants under this section for the operation (includ-
 5 ing initial operating amounts and operating deficits,
 6 which include the cost of attracting, training, and
 7 retaining qualified personnel) of a demonstration
 8 health project, whether or not constructed with
 9 amounts authorized to be appropriated by this sec-
 10 tion, may be made for up to—

11 “(A) 50 percent of the cost of that oper-
 12 ation;

13 “(B) in the case of a project to be carried
 14 out in a county for which a distressed county
 15 designation is in effect under section 14526, 80
 16 percent of the cost of that operation; or

17 “(C) in the case of a project to be carried
 18 out for a county for which an at-risk county
 19 designation is in effect under section 14526, 70
 20 percent of the cost of that operation.”; and

21 (2) in subsection (f)—

22 (A) in paragraph (1) by striking “para-
 23 graph (2)” and inserting “paragraphs (2) and
 24 (3)”; and

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

1 “(3) AT-RISK COUNTIES.—The maximum Com-
 2 mission contribution for a project to be carried out
 3 in a county for which an at-risk county designation
 4 is in effect under section 14526 may be increased to
 5 the lesser of—

6 “(A) 70 percent; or

7 “(B) the maximum Federal contribution
 8 percentage authorized by this section.”.

9 (c) ASSISTANCE FOR PROPOSED LOW- AND MIDDLE-
 10 INCOME HOUSING PROJECTS.—Section 14503 of title 40,
 11 United States Code, is amended—

12 (1) in subsection (d) by striking paragraph (1)
 13 and inserting the following:

14 “(1) LIMITATION ON AVAILABLE AMOUNTS.—A
 15 loan under subsection (b) for the cost of planning
 16 and obtaining financing (including the cost of pre-
 17 liminary surveys and analyses of market needs, pre-
 18 liminary site engineering and architectural fees, site
 19 options, application and mortgage commitment fees,
 20 legal fees, and construction loan fees and discounts)
 21 of a project described in that subsection may be
 22 made for up to—

23 “(A) 50 percent of that cost;

24 “(B) in the case of a project to be carried
 25 out in a county for which a distressed county

1 designation is in effect under section 14526, 80
 2 percent of that cost; or

3 “(C) in the case of a project to be carried
 4 out for a county for which an at-risk county
 5 designation is in effect under section 14526, 70
 6 percent of that cost.”; and

7 (2) in subsection (e) by striking paragraph (1)
 8 and inserting the following:

9 “(1) IN GENERAL.—A grant under this section
 10 for expenses incidental to planning and obtaining fi-
 11 nancing for a project under this section that the
 12 Secretary considers to be unrecoverable from the
 13 proceeds of a permanent loan made to finance the
 14 project shall—

15 “(A) not be made to an organization estab-
 16 lished for profit; and

17 “(B) except as provided in paragraph (2),
 18 not exceed—

19 “(i) 50 percent of those expenses;

20 “(ii) in the case of a project to be car-
 21 ried out in a county for which a distressed
 22 county designation is in effect under sec-
 23 tion 14526, 80 percent of those expenses;
 24 or

1 “(iii) in the case of a project to be
2 carried out in a county for which an at-
3 risk county designation is in effect under
4 section 14526, 70 percent of those ex-
5 penses.”.

6 (d) TELECOMMUNICATIONS AND TECHNOLOGY INI-
7 TIATIVE.—Section 14504 of title 40, United States Code,
8 is amended by striking subsection (b) and inserting the
9 following:

10 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
11 cost of any activity eligible for a grant under this section,
12 not more than—

13 “(1) 50 percent may be provided from amounts
14 appropriated to carry out this section;

15 “(2) in the case of a project to be carried out
16 in a county for which a distressed county designa-
17 tion is in effect under section 14526, 80 percent
18 may be provided from amounts appropriated to
19 carry out this section; or

20 “(3) in the case of a project to be carried out
21 in a county for which an at-risk county designation
22 is in effect under section 14526, 70 percent may be
23 provided from amounts appropriated to carry out
24 this section.”.

1 (e) ENTREPRENEURSHIP INITIATIVE.—Section
2 14505 of title 40, United States Code, is amended by
3 striking subsection (c) and inserting the following:

4 “(c) LIMITATION ON AVAILABLE AMOUNTS.—Of the
5 cost of any activity eligible for a grant under this section,
6 not more than—

7 “(1) 50 percent may be provided from amounts
8 appropriated to carry out this section;

9 “(2) in the case of a project to be carried out
10 in a county for which a distressed county designa-
11 tion is in effect under section 14526, 80 percent
12 may be provided from amounts appropriated to
13 carry out this section; or

14 “(3) in the case of a project to be carried out
15 in a county for which an at-risk county designation
16 is in effect under section 14526, 70 percent may be
17 provided from amounts appropriated to carry out
18 this section.”.

19 (f) REGIONAL SKILLS PARTNERSHIPS.—Section
20 14506 of title 40, United States Code, is amended by
21 striking subsection (d) and inserting the following:

22 “(d) LIMITATION ON AVAILABLE AMOUNTS.—Of the
23 cost of any activity eligible for a grant under this section,
24 not more than—

1 “(1) 50 percent may be provided from amounts
2 appropriated to carry out this section;

3 “(2) in the case of a project to be carried out
4 in a county for which a distressed county designa-
5 tion is in effect under section 14526, 80 percent
6 may be provided from amounts appropriated to
7 carry out this section; or

8 “(3) in the case of a project to be carried out
9 in a county for which an at-risk county designation
10 is in effect under section 14526, 70 percent may be
11 provided from amounts appropriated to carry out
12 this section.”.

13 (g) SUPPLEMENTS TO FEDERAL GRANT PRO-
14 GRAMS.—Section 14507(g) of title 40, United States
15 Code, is amended—

16 (1) in paragraph (1) by striking “paragraph
17 (2)” and inserting “paragraphs (2) and (3)”; and

18 (2) by adding at the end the following:

19 “(3) AT-RISK COUNTIES.—The maximum Com-
20 mission contribution for a project to be carried out
21 in a county for which an at-risk county designation
22 is in effect under section 14526 may be increased to
23 70 percent.”.

1 **SEC. 3033. ECONOMIC AND ENERGY DEVELOPMENT INITIA-**
2 **TIVE.**

3 (a) IN GENERAL.—Subchapter I of chapter 145 of
4 subtitle IV of title 40, United States Code, is amended
5 by adding at the end the following:

6 **“§ 14508. Economic and energy development initia-**
7 **tive**

8 “(a) PROJECTS TO BE ASSISTED.—The Appalachian
9 Regional Commission may provide technical assistance,
10 make grants, enter into contracts, or otherwise provide
11 amounts to persons or entities in the Appalachian region
12 for projects and activities—

13 “(1) to promote energy efficiency in the Appa-
14 lachian region to enhance the economic competitive-
15 ness of the Appalachian region;

16 “(2) to increase the use of renewable energy re-
17 sources, particularly biomass, in the Appalachian re-
18 gion to produce alternative transportation fuels, elec-
19 tricity, and heat; and

20 “(3) to support the development of regional,
21 conventional energy resources to produce electricity
22 and heat through advanced technologies that achieve
23 a substantial reduction in emissions, including
24 greenhouse gases, over the current baseline.

1 “(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the
2 cost of any activity eligible for a grant under this section,
3 not more than—

4 “(1) 50 percent may be provided from amounts
5 appropriated to carry out this section;

6 “(2) in the case of a project to be carried out
7 in a county for which a distressed county designa-
8 tion is in effect under section 14526, 80 percent
9 may be provided from amounts appropriated to
10 carry out this section; or

11 “(3) in the case of a project to be carried out
12 in a county for which an at-risk county designation
13 is in effect under section 14526, 70 percent may be
14 provided from amounts appropriated to carry out
15 this section.

16 “(c) SOURCES OF ASSISTANCE.—Subject to sub-
17 section (b), grants provided under this section may be pro-
18 vided from amounts made available to carry out this sec-
19 tion in combination with amounts made available under
20 other Federal programs or from any other source.

21 “(d) FEDERAL SHARE.—Notwithstanding any provi-
22 sion of law limiting the Federal share under any other
23 Federal program, amounts made available to carry out
24 this section may be used to increase that Federal share,
25 as the Commission decides is appropriate.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
 2 chapter 145 of title 40, United States Code, is amended
 3 by inserting after the item relating to section 14507 the
 4 following:

“14508. Economic and energy development initiative.”.

5 **SEC. 3034. DISTRESSED, AT-RISK, AND ECONOMICALLY**
 6 **STRONG COUNTIES.**

7 (a) DESIGNATION OF AT-RISK COUNTIES.—Section
 8 14526 of title 40, United States Code, is amended—

9 (1) in the section heading by inserting “, **at-**
 10 **risk,**” after “**Distressed**”; and

11 (2) in subsection (a)(1)—

12 (A) by redesignating subparagraph (B) as
 13 subparagraph (C);

14 (B) in subparagraph (A) by striking “and”
 15 at the end; and

16 (C) by inserting after subparagraph (A)
 17 the following:

18 “(B) designate as ‘at-risk counties’ those
 19 counties in the Appalachian region that are
 20 most at risk of becoming economically dis-
 21 tressed; and”.

22 (b) CONFORMING AMENDMENT.—The analysis for
 23 chapter 145 of such title is amended by striking the item
 24 relating to section 14526 and inserting the following:

“14526. Distressed, at-risk, and economically strong counties.”.

1 **SEC. 3035. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—Section 14703(a) of title 40,
3 United States Code, is amended to read as follows:

4 “(a) IN GENERAL.—In addition to amounts made
5 available under section 14501, there is authorized to be
6 appropriated to the Appalachian Regional Commission to
7 carry out this subtitle—

8 “(1) \$87,000,000 for fiscal year 2008;

9 “(2) \$100,000,000 for fiscal year 2009;

10 “(3) \$105,000,000 for fiscal year 2010;

11 “(4) \$108,000,000 for fiscal year 2011; and

12 “(5) \$110,000,000 for fiscal year 2012.”.

13 (b) ECONOMIC AND ENERGY DEVELOPMENT INITIA-
14 TIVE.—Section 14703(b) of such title is amended to read
15 as follows:

16 “(b) ECONOMIC AND ENERGY DEVELOPMENT INITIA-
17 TIVE.—Of the amounts made available under subsection
18 (a), the following amounts may be used to carry out sec-
19 tion 14508—

20 “(1) \$12,000,000 for fiscal year 2008;

21 “(2) \$12,500,000 for fiscal year 2009;

22 “(3) \$13,000,000 for fiscal year 2010;

23 “(4) \$13,500,000 for fiscal year 2011; and

24 “(5) \$14,000,000 for fiscal year 2012.”.

25 (c) ALLOCATION OF FUNDS.—Section 14703 of such
26 title is amended by adding at the end the following:

1 “(d) ALLOCATION OF FUNDS.—Funds approved by
 2 the Appalachian Regional Commission for a project in a
 3 State in the Appalachian region pursuant to a congres-
 4 sional directive shall be derived from the total amount allo-
 5 cated to the State by the Appalachian Regional Commis-
 6 sion from amounts appropriated to carry out this sub-
 7 title.”.

8 **SEC. 3036. TERMINATION.**

9 Section 14704 of title 40, United States Code, is
 10 amended by striking “2007” and inserting “2012”.

11 **SEC. 3037. ADDITIONS TO APPALACHIAN REGION.**

12 (a) KENTUCKY.—Section 14102(a)(1)(C) of title 40,
 13 United States Code, is amended—

14 (1) by inserting “Metcalf,” after “Menifee,”;

15 (2) by inserting “Nicholas,” after “Morgan,”;

16 and

17 (3) by inserting “Robertson,” after “Pulaski,”.

18 (b) OHIO.—Section 14102(a)(1)(H) of such title is
 19 amended—

20 (1) by inserting “Ashtabula,” after “Adams,”;

21 (2) by inserting “Mahoning,” after “Law-
 22 rence,”; and

23 (3) by inserting “Trumbull,” after “Scioto,”.

1 (c) TENNESSEE.—Section 14102(a)(1)(K) of such
2 title is amended by inserting “Lawrence, Lewis,” after
3 “Knox,”.

4 (d) VIRGINIA.—Section 14102(a)(1)(L) of such title
5 is amended—

6 (1) by inserting “Henry,” after “Grayson,”;
7 and

8 (2) by inserting “Patrick,” after “Mont-
9 gomery,”.

10 **TITLE IV—FOREIGN RELATIONS** 11 **PROVISIONS**

12 **Subtitle A—Senator Paul Simon** 13 **Study Abroad Foundation Act of** 14 **2008**

15 **SEC. 4001. SHORT TITLE.**

16 This subtitle may be cited as the “Senator Paul
17 Simon Study Abroad Foundation Act of 2008”.

18 **SEC. 4002. FINDINGS.**

19 Congress makes the following findings:

20 (1) According to President George W. Bush,
21 “America’s leadership and national security rest on
22 our commitment to educate and prepare our youth
23 for active engagement in the international commu-
24 nity.”.

1 (2) According to former President William J.
2 Clinton, “Today, the defense of United States inter-
3 ests, the effective management of global issues, and
4 even an understanding of our Nation’s diversity re-
5 quire ever-greater contact with, and understanding
6 of, people and cultures beyond our borders.”.

7 (3) Congress authorized the establishment of
8 the Commission on the Abraham Lincoln Study
9 Abroad Fellowship Program pursuant to section 104
10 of the Miscellaneous Appropriations and Offsets Act,
11 2004 (division H of Public Law 108–199). Pursuant
12 to its mandate, the Lincoln Commission has sub-
13 mitted to Congress and the President a report of its
14 recommendations for greatly expanding the oppor-
15 tunity for students at institutions of higher edu-
16 cation in the United States to study abroad, with
17 special emphasis on studying in developing nations.

18 (4) According to the Lincoln Commission,
19 “[s]tudy abroad is one of the major means of pro-
20 ducing foreign language speakers and enhancing for-
21 eign language learning” and, for that reason, “is
22 simply essential to the [N]ation’s security”.

23 (5) Studies consistently show that United
24 States students score below their counterparts in
25 other advanced countries on indicators of inter-

1 national knowledge. This lack of global literacy is a
2 national liability in an age of global trade and busi-
3 ness, global interdependence, and global terror.

4 (6) Americans believe that it is important for
5 their children to learn other languages, study
6 abroad, attend a college where they can interact with
7 international students, learn about other countries
8 and cultures, and generally be prepared for the glob-
9 al age.

10 (7) In today's world, it is more important than
11 ever for the United States to be a responsible, con-
12 structive leader that other countries are willing to
13 follow. Such leadership cannot be sustained without
14 an informed citizenry with significant knowledge and
15 awareness of the world.

16 (8) Study abroad has proven to be a very effec-
17 tive means of imparting international and foreign-
18 language competency to students.

19 (9) In any given year, only approximately one
20 percent of all students enrolled in United States in-
21 stitutions of higher education study abroad.

22 (10) Less than 10 percent of the students who
23 graduate from United States institutions of higher
24 education with bachelors degrees have studied
25 abroad.

1 (11) Far more study abroad must take place in
2 developing countries. Ninety-five percent of the
3 world's population growth over the next 50 years
4 will occur outside of Europe. Yet in the academic
5 year 2004–2005, 60 percent of United States stu-
6 dents studying abroad studied in Europe, and 45
7 percent studied in four countries—the United King-
8 dom, Italy, Spain, and France—according to the In-
9 stitute of International Education.

10 (12) The Final Report of the National Commis-
11 sion on Terrorist Attacks Upon the United States
12 (The 9/11 Commission Report) recommended that
13 the United States increase support for “scholarship,
14 exchange, and library programs”. The 9/11 Public
15 Discourse Project, successor to the 9/11 Commis-
16 sion, noted in its November 14, 2005, status report
17 that this recommendation was “unfulfilled,” and
18 stated that “The U.S. should increase support for
19 scholarship and exchange programs, our most power-
20 ful tool to shape attitudes over the course of a gen-
21 eration.”. In its December 5, 2005, Final Report on
22 the 9/11 Commission Recommendations, the 9/11
23 Public Discourse Project gave the government a
24 grade of “D” for its implementation of this rec-
25 ommendation.

1 (13) Investing in a national study abroad pro-
2 gram would help turn a grade of “D” into an “A”
3 by equipping United States students to communicate
4 United States values and way of life through the
5 unique dialogue that takes place among citizens
6 from around the world when individuals study
7 abroad.

8 (14) An enhanced national study abroad pro-
9 gram could help further the goals of other United
10 States Government initiatives to promote edu-
11 cational, social, and political reform and the status
12 of women in developing and reforming societies
13 around the world, such as the Middle East Partner-
14 ship Initiative.

15 (15) To complement such worthwhile Federal
16 programs and initiatives as the Benjamin A. Gilman
17 International Scholarship Program, the National Se-
18 curity Education Program, and the National Secu-
19 rity Language Initiative, a broad-based under-
20 graduate study abroad program is needed that will
21 make many more study abroad opportunities acces-
22 sible to all undergraduate students, regardless of
23 their field of study, ethnicity, socio-economic status,
24 or gender.

1 **SEC. 4003. PURPOSES.**

2 The purposes of this subtitle are—

3 (1) to significantly enhance the global competi-
4 tiveness and international knowledge base of the
5 United States by ensuring that more United States
6 students have the opportunity to acquire foreign lan-
7 guage skills and international knowledge through
8 significantly expanded study abroad;

9 (2) to enhance the foreign policy capacity of the
10 United States by significantly expanding and diversi-
11 fying the talent pool of individuals with non-tradi-
12 tional foreign language skills and cultural knowledge
13 in the United States who are available for recruit-
14 ment by United States foreign affairs agencies, leg-
15 islative branch agencies, and nongovernmental orga-
16 nizations involved in foreign affairs activities;

17 (3) to ensure that an increasing portion of
18 study abroad by United States students will take
19 place in nontraditional study abroad destinations
20 such as the People’s Republic of China, countries of
21 the Middle East region, and developing countries;
22 and

23 (4) to create greater cultural understanding of
24 the United States by exposing foreign students and
25 their families to United States students in countries

1 that have not traditionally hosted large numbers of
2 United States students.

3 **SEC. 4004. DEFINITIONS.**

4 In this subtitle:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Foreign Affairs and
9 the Committee on Appropriations of the House
10 of Representatives; and

11 (B) the Committee on Foreign Relations
12 and the Committee on Appropriations of the
13 Senate.

14 (2) BOARD.—The term “Board” means the
15 Board of Directors of the Foundation established
16 pursuant to section 4005(d).

17 (3) CHIEF EXECUTIVE OFFICER.—The term
18 “Chief Executive Officer” means the chief executive
19 officer of the Foundation appointed pursuant to sec-
20 tion 4005(c).

21 (4) FOUNDATION.—The term “Foundation”
22 means the Senator Paul Simon Study Abroad Foun-
23 dation established by section 4005(a).

24 (5) INSTITUTION OF HIGHER EDUCATION.—The
25 term “institution of higher education” has the

1 meaning given the term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (6) NATIONAL OF THE UNITED STATES.—The
4 term “national of the United States” means a na-
5 tional of the United States or an alien lawfully ad-
6 mitted for permanent residence (as those terms are
7 defined in section 101 of the Immigration and Na-
8 tionality Act (8 U.S.C. 1101)).

9 (7) NONTRADITIONAL STUDY ABROAD DESTINA-
10 TION.—The term “nontraditional study abroad des-
11 tination” means a location that is determined by the
12 Foundation to be a less common destination for
13 United States students who study abroad.

14 (8) STUDY ABROAD.—The term “study abroad”
15 means an educational program of study, work, re-
16 search, internship, or combination thereof that is
17 conducted outside the United States and that carries
18 academic credit toward fulfilling the participating
19 student’s degree requirements.

20 (9) UNITED STATES.—The term “United
21 States” means any of the several States, the District
22 of Columbia, Puerto Rico, the Northern Mariana Is-
23 lands, the Virgin Islands, Guam, American Samoa,
24 and any other territory or possession of the United
25 States.

1 (10) UNITED STATES STUDENT.—The term
 2 “United States student” means a national of the
 3 United States who is enrolled at an institution of
 4 higher education located within the United States.

5 **SEC. 4005. ESTABLISHMENT AND MANAGEMENT OF THE**
 6 **SENATOR PAUL SIMON STUDY ABROAD FOUN-**
 7 **DATION.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established in the
 10 executive branch a corporation to be known as the
 11 “Senator Paul Simon Study Abroad Foundation”
 12 that shall be responsible for carrying out this sub-
 13 title. The Foundation shall be a government cor-
 14 poration, as defined in section 103 of title 5, United
 15 States Code.

16 (2) BOARD OF DIRECTORS.—The Foundation
 17 shall be governed by a Board of Directors in accord-
 18 ance with subsection (d).

19 (3) INTENT OF CONGRESS.—It is the intent of
 20 Congress in establishing the structure of the Foun-
 21 dation set forth in this subsection to create an entity
 22 that will administer a study abroad program that—

23 (A) serves the long-term foreign policy and
 24 national security needs of the United States;
 25 but

1 (B) operates independently of short-term
2 political and foreign policy considerations.

3 (b) MANDATE OF FOUNDATION.—In administering
4 the program referred to in subsection (a)(3), the Founda-
5 tion shall—

6 (1) promote the objectives and purposes of this
7 subtitle;

8 (2) through responsive, flexible grant-making,
9 promote access to study abroad opportunities by
10 United States students at diverse institutions of
11 higher education, including two-year institutions, mi-
12 nority-serving institutions, and institutions that
13 serve nontraditional students;

14 (3) through creative grant-making, promote ac-
15 cess to study abroad opportunities by diverse United
16 States students, including minority students, stu-
17 dents of limited financial means, and nontraditional
18 students;

19 (4) solicit funds from the private sector to sup-
20 plement funds made available under this subtitle;
21 and

22 (5) minimize administrative costs and maximize
23 the availability of funds for grants under this sub-
24 title.

25 (c) CHIEF EXECUTIVE OFFICER.—

1 (1) IN GENERAL.—There shall be in the Foun-
 2 dation a Chief Executive Officer who shall be re-
 3 sponsible for the management of the Foundation.

4 (2) APPOINTMENT.—The Chief Executive Offi-
 5 cer shall be appointed by the Board and shall be a
 6 recognized leader in higher education, business, or
 7 foreign policy, chosen on the basis of a rigorous
 8 search.

9 (3) RELATIONSHIP TO BOARD.—The Chief Ex-
 10 ecutive Officer shall report to and be under the di-
 11 rect authority of the Board.

12 (4) COMPENSATION AND RANK.—

13 (A) IN GENERAL.—The Chief Executive
 14 Officer shall be compensated at the rate pro-
 15 vided for level IV of the Executive Schedule
 16 under section 5315 of title 5, United States
 17 Code.

18 (B) AMENDMENT.—Section 5315 of title
 19 5, United States Code, is amended by adding at
 20 the end the following:

21 “Chief Executive Officer, Senator Paul Simon
 22 Study Abroad Foundation.”.

23 (5) AUTHORITIES AND DUTIES.—The Chief Ex-
 24 ecutive Officer shall be responsible for the manage-

1 ment of the Foundation and shall exercise the pow-
 2 ers and discharge the duties of the Foundation.

3 (6) AUTHORITY TO APPOINT OFFICERS.—In
 4 consultation and with approval of the Board, the
 5 Chief Executive Officer shall appoint all officers of
 6 the Foundation.

7 (d) BOARD OF DIRECTORS.—

8 (1) ESTABLISHMENT.—There shall be in the
 9 Foundation a Board of Directors.

10 (2) DUTIES.—The Board shall perform the
 11 functions specified to be carried out by the Board in
 12 this subtitle and may prescribe, amend, and repeal
 13 bylaws, rules, regulations, and procedures governing
 14 the manner in which the business of the Foundation
 15 may be conducted and in which the powers granted
 16 to it by law may be exercised.

17 (3) MEMBERSHIP.—The Board shall consist
 18 of—

19 (A) the Secretary of State (or the Sec-
 20 retary's designee), the Secretary of Education
 21 (or the Secretary's designee), the Secretary of
 22 Defense (or the Secretary's designee), and the
 23 Administrator of the United States Agency for
 24 International Development (or the Administra-
 25 tor's designee); and

1 (B) five other individuals with relevant ex-
2 perience in matters relating to study abroad
3 (such as individuals who represent institutions
4 of higher education, business organizations, for-
5 eign policy organizations, or other relevant or-
6 ganizations) who shall be appointed by the
7 President, by and with the advice and consent
8 of the Senate, of which—

9 (i) one individual shall be appointed
10 from among a list of individuals submitted
11 by the majority leader of the House of
12 Representatives;

13 (ii) one individual shall be appointed
14 from among a list of individuals submitted
15 by the minority leader of the House of
16 Representatives;

17 (iii) one individual shall be appointed
18 from among a list of individuals submitted
19 by the majority leader of the Senate; and

20 (iv) one individual shall be appointed
21 from among a list of individuals submitted
22 by the minority leader of the Senate.

23 (4) CHIEF EXECUTIVE OFFICER.—The Chief
24 Executive Officer of the Foundation shall serve as a
25 nonvoting, ex officio member of the Board.

1 (5) TERMS.—

2 (A) OFFICERS OF THE FEDERAL GOVERN-
3 MENT.—Each member of the Board described
4 in paragraph (3)(A) shall serve for a term that
5 is concurrent with the term of service of the in-
6 dividual's position as an officer within the other
7 Federal department or agency.

8 (B) OTHER MEMBERS.—Each member of
9 the Board described in paragraph (3)(B) shall
10 be appointed for a term of 3 years and may be
11 reappointed for one additional 3 year term.

12 (C) VACANCIES.—A vacancy in the Board
13 shall be filled in the manner in which the origi-
14 nal appointment was made.

15 (6) CHAIRPERSON.—There shall be a Chair-
16 person of the Board. The Secretary of State (or the
17 Secretary's designee) shall serve as the Chairperson.

18 (7) QUORUM.—A majority of the members of
19 the Board described in paragraph (3) shall con-
20 stitute a quorum, which, except with respect to a
21 meeting of the Board during the 135-day period be-
22 ginning on the date of the enactment of this Act,
23 shall include at least one member of the Board de-
24 scribed in paragraph (3)(B).

1 (8) MEETINGS.—The Board shall meet at the
2 call of the Chairperson.

3 (9) COMPENSATION.—

4 (A) OFFICERS OF THE FEDERAL GOVERN-
5 MENT.—

6 (i) IN GENERAL.—A member of the
7 Board described in paragraph (3)(A) may
8 not receive additional pay, allowances, or
9 benefits by reason of the member's service
10 on the Board.

11 (ii) TRAVEL EXPENSES.—Each such
12 member of the Board shall receive travel
13 expenses, including per diem in lieu of sub-
14 sistence, in accordance with applicable pro-
15 visions under subchapter I of chapter 57 of
16 title 5, United States Code.

17 (B) OTHER MEMBERS.—

18 (i) IN GENERAL.—Except as provided
19 in clause (ii), a member of the Board de-
20 scribed in paragraph (3)(B) while away
21 from the member's home or regular place
22 of business on necessary travel in the ac-
23 tual performance of duties as a member of
24 the Board, shall be paid per diem, travel,
25 and transportation expenses in the same

1 manner as is provided under subchapter I
2 of chapter 57 of title 5, United States
3 Code.

4 (ii) LIMITATION.—A member of the
5 Board may not be paid compensation
6 under clause (i) for more than 90 days in
7 any calendar year.

8 **SEC. 4006. ESTABLISHMENT AND OPERATION OF PROGRAM.**

9 (a) ESTABLISHMENT OF THE PROGRAM.—There is
10 hereby established a program, which shall—

11 (1) be administered by the Foundation; and

12 (2) award grants to—

13 (A) United States students for study
14 abroad;

15 (B) nongovernmental institutions that pro-
16 vide and promote study abroad opportunities
17 for United States students, in consortium with
18 institutions described in subparagraph (C); and

19 (C) institutions of higher education, indi-
20 vidually or in consortium,

21 in order to accomplish the objectives set forth in
22 subsection (b).

23 (b) OBJECTIVES.—The objectives of the program es-
24 tablished under subsection (a) are that, within 10 years
25 of the date of the enactment of this Act—

1 (1) not less than one million undergraduate
2 United States students will study abroad annually
3 for credit;

4 (2) the demographics of study-abroad participa-
5 tion will reflect the demographics of the United
6 States undergraduate population, including students
7 enrolled in community colleges, minority-serving in-
8 stitutions, and institutions serving large numbers of
9 low-income and first-generation students; and

10 (3) an increasing portion of study abroad will
11 take place in nontraditional study abroad destina-
12 tions, with a substantial portion of such increases
13 taking place in developing countries.

14 (c) MANDATE OF THE PROGRAM.—In order to ac-
15 complish the objectives set forth in subsection (b), the
16 Foundation shall, in administering the program estab-
17 lished under subsection (a), take fully into account the rec-
18 ommendations of the Commission on the Abraham Lincoln
19 Study Abroad Fellowship Program (established pursuant
20 to section 104 of the Miscellaneous Appropriations and
21 Offsets Act, 2004 (division H of Public Law 108–199)).

22 (d) STRUCTURE OF GRANTS.—

23 (1) PROMOTING REFORM.—In accordance with
24 the recommendations of the Commission on the
25 Abraham Lincoln Study Abroad Fellowship Pro-

1 gram, grants awarded under the program estab-
 2 lished under subsection (a) shall be structured to the
 3 maximum extent practicable to promote appropriate
 4 reforms in institutions of higher education in order
 5 to remove barriers to participation by students in
 6 study abroad.

7 (2) GRANTS TO INDIVIDUALS AND INSTITU-
 8 TIONS.—It is the sense of Congress that—

9 (A) the Foundation should award not more
 10 than 25 percent of the funds awarded as grants
 11 to individuals described in subparagraph (A) of
 12 subsection (a)(2) and not less than 75 percent
 13 of such funds to institutions described in sub-
 14 paragraphs (B) and (C) of such subsection; and

15 (B) the Foundation should ensure that not
 16 less than 85 percent of the amount awarded to
 17 such institutions is used to award scholarships
 18 to students.

19 (e) BALANCE OF LONG-TERM AND SHORT-TERM
 20 STUDY ABROAD PROGRAMS.—In administering the pro-
 21 gram established under subsection (a), the Foundation
 22 shall seek an appropriate balance between—

23 (1) longer-term study abroad programs, which
 24 maximize foreign-language learning and intercultural
 25 understanding; and

1 (2) shorter-term study abroad programs, which
2 maximize the accessibility of study abroad to non-
3 traditional students.

4 (f) **QUALITY AND SAFETY IN STUDY ABROAD.**—In
5 administering the program established under subsection
6 (a), the Foundation shall require that institutions receiv-
7 ing grants demonstrate that—

8 (1) the study abroad programs for which stu-
9 dents receive grant funds are for academic credit;
10 and

11 (2) the programs have established health and
12 safety guidelines and procedures.

13 **SEC. 4007. ANNUAL REPORT.**

14 (a) **REPORT REQUIRED.**—Not later than December
15 15, 2008, and each December 15 thereafter, the Founda-
16 tion shall submit to the appropriate congressional commit-
17 tees a report on the implementation of this subtitle during
18 the prior fiscal year.

19 (b) **CONTENTS.**—The report required by subsection
20 (a) shall include—

21 (1) the total financial resources available to the
22 Foundation during the year, including appropriated
23 funds, the value and source of any gifts or donations
24 accepted pursuant to section 4008(a)(6), and any
25 other resources;

1 (2) a description of the Board’s policy priorities
2 for the year and the bases upon which grant pro-
3 posals were solicited and awarded to institutions of
4 higher education, nongovernmental institutions, and
5 consortiums pursuant to section 4006(a)(2)(B) and
6 4006(a)(2)(C);

7 (3) a list of grants made to institutions of high-
8 er education, nongovernmental institutions, and con-
9 sortiums pursuant to section 4006(a)(2)(B) and
10 4006(a)(2)(C) that includes the identity of the insti-
11 tutional recipient, the dollar amount, the estimated
12 number of study abroad opportunities provided to
13 United States students by each grant, the amount of
14 the grant used by each institution for administrative
15 expenses, and information on cost-sharing by each
16 institution receiving a grant;

17 (4) a description of the bases upon which the
18 Foundation made grants directly to United States
19 students pursuant to section 4006(a)(2)(A);

20 (5) the number and total dollar amount of
21 grants made directly to United States students by
22 the Foundation pursuant to section 4006(a)(2)(A);
23 and

1 (6) the total administrative and operating ex-
2 penses of the Foundation for the year, as well as
3 specific information on—

4 (A) the number of Foundation employees
5 and the cost of compensation for Board mem-
6 bers, Foundation employees, and personal serv-
7 ice contractors;

8 (B) costs associated with securing the use
9 of real property for carrying out the functions
10 of the Foundation;

11 (C) total travel expenses incurred by Board
12 members and Foundation employees in connec-
13 tion with Foundation activities; and

14 (D) total representational expenses.

15 **SEC. 4008. POWERS OF THE FOUNDATION; RELATED PROVI-**
16 **SIONS.**

17 (a) **POWERS.**—The Foundation—

18 (1) shall have perpetual succession unless dis-
19 solved by a law enacted after the date of the enact-
20 ment of this Act;

21 (2) may adopt, alter, and use a seal, which shall
22 be judicially noticed;

23 (3) may make and perform such contracts,
24 grants, and other agreements with any person or
25 government however designated and wherever situ-

1 ated, as may be necessary for carrying out the func-
2 tions of the Foundation;

3 (4) may determine and prescribe the manner in
4 which its obligations shall be incurred and its ex-
5 penses allowed and paid, including expenses for rep-
6 resentation;

7 (5) may lease, purchase, or otherwise acquire,
8 improve, and use such real property wherever situ-
9 ated, as may be necessary for carrying out the func-
10 tions of the Foundation;

11 (6) may accept cash gifts or donations of serv-
12 ices or of property (real, personal, or mixed), tan-
13 gible or intangible, for the purpose of carrying out
14 the provisions of this subtitle;

15 (7) may use the United States mails in the
16 same manner and on the same conditions as the ex-
17 ecutive departments;

18 (8) may contract with individuals for personal
19 services, who shall not be considered Federal em-
20 ployees for any provision of law administered by the
21 Office of Personnel Management;

22 (9) may hire or obtain passenger motor vehi-
23 cles; and

24 (10) shall have such other powers as may be
25 necessary and incident to carrying out this subtitle.

1 (b) PRINCIPAL OFFICE.—The Foundation shall
2 maintain its principal office in the metropolitan area of
3 Washington, District of Columbia.

4 (c) APPLICABILITY OF GOVERNMENT CORPORATION
5 CONTROL ACT.—

6 (1) IN GENERAL.—The Foundation shall be
7 subject to chapter 91 of subtitle VI of title 31,
8 United States Code, except that the Foundation
9 shall not be authorized to issue obligations or offer
10 obligations to the public.

11 (2) CONFORMING AMENDMENT.—Section
12 9101(3) of title 31, United States Code, is amended
13 by adding at the end the following:

14 “(S) the Senator Paul Simon Study
15 Abroad Foundation.”.

16 (d) INSPECTOR GENERAL.—

17 (1) IN GENERAL.—The Inspector General of
18 the Department of State shall serve as Inspector
19 General of the Foundation, and, in acting in such
20 capacity, may conduct reviews, investigations, and
21 inspections of all aspects of the operations and ac-
22 tivities of the Foundation.

23 (2) AUTHORITY OF THE BOARD.—In carrying
24 out the responsibilities under this subsection, the In-

1 spector General shall report to and be under the
2 general supervision of the Board.

3 (3) REIMBURSEMENT AND AUTHORIZATION OF
4 SERVICES.—

5 (A) REIMBURSEMENT.—The Foundation
6 shall reimburse the Department of State for all
7 expenses incurred by the Inspector General in
8 connection with the Inspector General’s respon-
9 sibilities under this subsection.

10 (B) AUTHORIZATION FOR SERVICES.—Of
11 the amount authorized to be appropriated
12 under section 4010(a) for a fiscal year, up to
13 \$2,000,000 is authorized to be made available
14 to the Inspector General of the Department of
15 State to conduct reviews, investigations, and in-
16 spections of operations and activities of the
17 Foundation.

18 **SEC. 4009. GENERAL PERSONNEL AUTHORITIES.**

19 (a) DETAIL OF PERSONNEL.—Upon request of the
20 Chief Executive Officer, the head of an agency may detail
21 any employee of such agency to the Foundation on a reim-
22 bursable basis. Any employee so detailed remains, for the
23 purpose of preserving such employee’s allowances, privi-
24 leges, rights, seniority, and other benefits, an employee of
25 the agency from which detailed.

1 (b) REEMPLOYMENT RIGHTS.—

2 (1) IN GENERAL.—An employee of an agency
3 who is serving under a career or career conditional
4 appointment (or the equivalent), and who, with the
5 consent of the head of such agency, transfers to the
6 Foundation, is entitled to be reemployed in such em-
7 ployee's former position or a position of like senior-
8 ity, status, and pay in such agency, if such em-
9 ployee—

10 (A) is separated from the Foundation for
11 any reason, other than misconduct, neglect of
12 duty, or malfeasance; and

13 (B) applies for reemployment not later
14 than 90 days after the date of separation from
15 the Foundation.

16 (2) SPECIFIC RIGHTS.—An employee who satis-
17 fies paragraph (1) is entitled to be reemployed (in
18 accordance with such paragraph) within 30 days
19 after applying for reemployment and, on reemploy-
20 ment, is entitled to at least the rate of basic pay to
21 which such employee would have been entitled had
22 such employee never transferred.

23 (c) HIRING AUTHORITY.—Of persons employed by
24 the Foundation, not to exceed 20 persons may be ap-

1 pointed, compensated, or removed without regard to the
2 civil service laws and regulations.

3 (d) BASIC PAY.—The Chief Executive Officer may fix
4 the rate of basic pay of employees of the Foundation with-
5 out regard to the provisions of chapter 51 of title 5,
6 United States Code (relating to the classification of posi-
7 tions), subchapter III of chapter 53 of such title (relating
8 to General Schedule pay rates), except that no employee
9 of the Foundation may receive a rate of basic pay that
10 exceeds the rate for level IV of the Executive Schedule
11 under section 5315 of such title.

12 (e) DEFINITIONS.—In this section—

13 (1) the term “agency” means an executive
14 agency, as defined by section 105 of title 5, United
15 States Code; and

16 (2) the term “detail” means the assignment or
17 loan of an employee, without a change of position,
18 from the agency by which such employee is employed
19 to the Foundation.

20 **SEC. 4010. GAO REVIEW.**

21 (a) REVIEW REQUIRED.—Not later than two years
22 after the date of the enactment of this Act, the Comp-
23 troller General of the United States shall commence a re-
24 view of the operations of the Foundation.

1 (b) CONTENT.—In conducting the review required
2 under subsection (a), the Comptroller General shall ana-
3 lyze—

4 (1) whether the Foundation is organized and
5 operating in a manner that will permit it to fulfill
6 the purposes of this section, as set forth in section
7 4003;

8 (2) the degree to which the Foundation is oper-
9 ating efficiently and in a manner consistent with the
10 requirements of paragraphs (4) and (5) of section
11 4005(b);

12 (3) whether grantmaking by the Foundation is
13 being undertaken in a manner consistent with sub-
14 sections (d), (e), and (f) of section 4006;

15 (4) the extent to which the Foundation is using
16 best practices in the implementation of this subtitle
17 and the administration of the program described in
18 section 4006; and

19 (5) other relevant matters, as determined by
20 the Comptroller General, after consultation with the
21 appropriate congressional committees.

22 (c) REPORT REQUIRED.—The Comptroller General
23 shall submit a report on the results of the review con-
24 ducted under subsection (a) to the Secretary of State (in
25 the capacity of the Secretary as Chairperson of the Board

1 of the Foundation) and to the appropriate congressional
2 committees.

3 **SEC. 4011. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to carry out this subtitle \$80,000,000
7 for fiscal year 2008 and each subsequent fiscal year.

8 (2) AMOUNTS IN ADDITION TO OTHER AVAIL-
9 ABLE AMOUNTS.—Amounts authorized to be appro-
10 priated by paragraph (1) are in addition to amounts
11 authorized to be appropriated or otherwise made
12 available for educational exchange programs, includ-
13 ing the J. William Fulbright Educational Exchange
14 Program and the Benjamin A. Gilman International
15 Scholarship Program, administered by the Bureau of
16 Educational and Cultural Affairs of the Department
17 of State.

18 (b) ALLOCATION OF FUNDS.—

19 (1) IN GENERAL.—The Foundation may allo-
20 cate or transfer to any agency of the United States
21 Government any of the funds available for carrying
22 out this subtitle. Such funds shall be available for
23 obligation and expenditure for the purposes for
24 which the funds were authorized, in accordance with
25 authority granted in this subtitle or under authority

1 governing the activities of the United States Govern-
2 ment agency to which such funds are allocated or
3 transferred.

4 (2) NOTIFICATION.—The Foundation shall no-
5 tify the appropriate congressional committees not
6 less than 15 days prior to an allocation or transfer
7 of funds pursuant to paragraph (1).

8 **Subtitle B—Reconstruction and**
9 **Stabilization Civilian Manage-**
10 **ment Act of 2008**

11 **SEC. 4101. SHORT TITLE.**

12 This subtitle may be cited as the “Reconstruction and
13 Stabilization Civilian Management Act of 2008”.

14 **SEC. 4102. FINDINGS.**

15 (a) FINDINGS.—Congress finds the following:

16 (1) In June 2004, the Office of the Coordinator
17 for Reconstruction and Stabilization (referred to as
18 the “Coordinator”) was established in the Depart-
19 ment of State with the mandate to lead, coordinate,
20 and institutionalize United States Government civil-
21 ian capacity to prevent or prepare for post-conflict
22 situations and help reconstruct and stabilize a coun-
23 try or region that is at risk of, in, or is in transition
24 from, conflict or civil strife.

1 (2) In December 2005, the Coordinator's man-
2 date was reaffirmed by the National Security Presi-
3 dential Directive 44, which instructed the Secretary
4 of State, and at the Secretary's direction, the Coor-
5 dinator, to coordinate and lead integrated United
6 States Government efforts, involving all United
7 States departments and agencies with relevant capa-
8 bilities, to prepare, plan for, and conduct reconstruc-
9 tion and stabilization operations.

10 (3) National Security Presidential Directive 44
11 assigns to the Secretary, with the Coordinator's as-
12 sistance, the lead role to develop reconstruction and
13 stabilization strategies, ensure civilian interagency
14 program and policy coordination, coordinate inter-
15 agency processes to identify countries at risk of in-
16 stability, provide decision-makers with detailed op-
17 tions for an integrated United States Government
18 response in connection with reconstruction and sta-
19 bilization operations, and carry out a wide range of
20 other actions, including the development of a civilian
21 surge capacity to meet reconstruction and stabiliza-
22 tion emergencies. The Secretary and the Coordinator
23 are also charged with coordinating with the Depart-
24 ment of Defense on reconstruction and stabilization

1 responses, and integrating planning and imple-
2 menting procedures.

3 (4) The Department of Defense issued Direc-
4 tive 3000.05, which establishes that stability oper-
5 ations are a core United States military mission that
6 the Department of Defense must be prepared to con-
7 duct and support, provides guidance on stability op-
8 erations that will evolve over time, and assigns re-
9 sponsibilities within the Department of Defense for
10 planning, training, and preparing to conduct and
11 support stability operations.

12 (5) The President's Fiscal Year 2009 Budget
13 Request to Congress includes \$248,600,000 for a Ci-
14 vilian Stabilization Initiative that would vastly im-
15 prove civilian partnership with the Armed Forces in
16 post-conflict stabilization situations, including by es-
17 tablishing an Active Response Corps of 250 persons,
18 a Standby Response Corps of 2000 persons, and a
19 Civilian Response Corps of 2000 persons.

20 **SEC. 4103. DEFINITIONS.**

21 In this subtitle:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the United
24 States Agency for International Development.

1 (2) AGENCY.—The term “agency” means any
2 entity included in chapter 1 of title 5, United States
3 Code.

4 (3) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the Committee on Foreign Affairs of
7 the House of Representatives and the Committee on
8 Foreign Relations of the Senate.

9 (4) DEPARTMENT.—Except as otherwise pro-
10 vided in this subtitle, the term “Department” means
11 the Department of State.

12 (5) PERSONNEL.—The term “personnel” means
13 individuals serving in any service described in sec-
14 tion 2101 of title 5, United States Code, other than
15 in the legislative or judicial branch.

16 (6) SECRETARY.—The term “Secretary” means
17 the Secretary of State.

18 **SEC. 4104. AUTHORITY TO PROVIDE ASSISTANCE FOR RE-**
19 **CONSTRUCTION AND STABILIZATION CRISES.**

20 Chapter 1 of part III of the Foreign Assistance Act
21 of 1961 (22 U.S.C. 2351 et seq.) is amended by inserting
22 after section 617 the following new section:

23 **“SEC. 618. ASSISTANCE FOR A RECONSTRUCTION AND STA-**
24 **BILIZATION CRISIS.**

25 “(a) ASSISTANCE.—

1 “(1) IN GENERAL.—If the President determines
2 that it is in the national security interests of the
3 United States for United States civilian agencies or
4 non-Federal employees to assist in reconstructing
5 and stabilizing a country or region that is at risk of,
6 in, or is in transition from, conflict or civil strife, the
7 President may, in accordance with the provisions set
8 forth in section 614(a)(3), subject to paragraph (2)
9 of this subsection but notwithstanding any other
10 provision of law, and on such terms and conditions
11 as the President may determine, furnish assistance
12 to such country or region for reconstruction or sta-
13 bilization using funds under paragraph (3).

14 “(2) PRE-NOTIFICATION REQUIREMENT.—The
15 President may not furnish assistance pursuant to
16 paragraph (1) until five days (excepting Saturdays,
17 Sundays, and legal public holidays) after the re-
18 quirements under section 614(a)(3) of this Act are
19 carried out.

20 “(3) FUNDS.—The funds referred to in para-
21 graph (1) are funds made available under any other
22 provision of law and under other provisions of this
23 Act, and transferred or reprogrammed for purposes
24 of this section, and such transfer or reprogramming

1 shall be subject to the procedures applicable to a no-
2 tification under section 634A of this Act.

3 “(b) LIMITATION.—The authority contained in this
4 section may be exercised only during fiscal years 2009,
5 2010, and 2011, except that the authority may not be ex-
6 ercised to furnish more than \$200,000,000 in any such
7 fiscal year.”.

8 **SEC. 4105. RECONSTRUCTION AND STABILIZATION.**

9 Title I of the State Department Basic Authorities Act
10 of 1956 (22 U.S.C. 2651a et seq.) is amended by adding
11 at the end the following new section:

12 **“SEC. 62. RECONSTRUCTION AND STABILIZATION.**

13 “(a) OFFICE OF THE COORDINATOR FOR RECON-
14 STRUCTION AND STABILIZATION.—

15 “(1) ESTABLISHMENT.—There is established
16 within the Department of State the Office of the Co-
17 ordinator for Reconstruction and Stabilization.

18 “(2) COORDINATOR FOR RECONSTRUCTION AND
19 STABILIZATION.—The head of the Office shall be the
20 Coordinator for Reconstruction and Stabilization,
21 who shall be appointed by the President, by and
22 with the advice and consent of the Senate. The Co-
23 ordinator shall report directly to the Secretary.

1 “(3) FUNCTIONS.—The functions of the Office
2 of the Coordinator for Reconstruction and Stabiliza-
3 tion shall include the following:

4 “(A) Monitoring, in coordination with rel-
5 evant bureaus and offices of the Department of
6 State and the United States Agency for Inter-
7 national Development (USAID), political and
8 economic instability worldwide to anticipate the
9 need for mobilizing United States and inter-
10 national assistance for the reconstruction and
11 stabilization of a country or region that is at
12 risk of, in, or are in transition from, conflict or
13 civil strife.

14 “(B) Assessing the various types of recon-
15 struction and stabilization crises that could
16 occur and cataloging and monitoring the non-
17 military resources and capabilities of agencies
18 (as such term is defined in section 4103 of the
19 Reconstruction and Stabilization Civilian Man-
20 agement Act of 2008) that are available to ad-
21 dress such crises.

22 “(C) Planning, in conjunction with
23 USAID, to address requirements, such as de-
24 mobilization, disarmament, rebuilding of civil
25 society, policing, human rights monitoring, and

1 public information, that commonly arise in re-
2 construction and stabilization crises.

3 “(D) Coordinating with relevant agencies
4 to develop interagency contingency plans and
5 procedures to mobilize and deploy civilian per-
6 sonnel and conduct reconstruction and stabiliza-
7 tion operations to address the various types of
8 such crises.

9 “(E) Entering into appropriate arrange-
10 ments with agencies to carry out activities
11 under this section and the Reconstruction and
12 Stabilization Civilian Management Act of 2008.

13 “(F) Identifying personnel in State and
14 local governments and in the private sector who
15 are available to participate in the Civilian Re-
16 serve Corps established under subsection (b) or
17 to otherwise participate in or contribute to re-
18 construction and stabilization activities.

19 “(G) Taking steps to ensure that training
20 and education of civilian personnel to perform
21 such reconstruction and stabilization activities
22 is adequate and is carried out, as appropriate,
23 with other agencies involved with stabilization
24 operations.

1 “(H) Taking steps to ensure that plans for
2 United States reconstruction and stabilization
3 operations are coordinated with and com-
4 plementary to reconstruction and stabilization
5 activities of other governments and inter-
6 national and nongovernmental organizations, to
7 improve effectiveness and avoid duplication.

8 “(I) Maintaining the capacity to field on
9 short notice an evaluation team consisting of
10 personnel from all relevant agencies to under-
11 take on-site needs assessment.

12 “(b) RESPONSE READINESS CORPS.—

13 “(1) RESPONSE READINESS CORPS.—The Sec-
14 retary, in consultation with the Administrator of the
15 United States Agency for International Development
16 and the heads of other appropriate agencies of the
17 United States Government, may establish and main-
18 tain a Response Readiness Corps (referred to in this
19 section as the ‘Corps’) to provide assistance in sup-
20 port of reconstruction and stabilization operations in
21 countries or regions that are at risk of, in, or are
22 in transition from, conflict or civil strife. The Corps
23 shall be composed of active and standby components
24 consisting of United States Government personnel,
25 including employees of the Department of State, the

1 United States Agency for International Develop-
2 ment, and other agencies who are recruited and
3 trained (and employed in the case of the active com-
4 ponent) to provide such assistance when deployed to
5 do so by the Secretary to support the purposes of
6 this subtitle.

7 “(2) CIVILIAN RESERVE CORPS.—The Sec-
8 retary, in consultation with the Administrator of the
9 United States Agency for International Develop-
10 ment, may establish a Civilian Reserve Corps for
11 which purpose the Secretary is authorized to employ
12 and train individuals who have the skills necessary
13 for carrying out reconstruction and stabilization ac-
14 tivities, and who have volunteered for that purpose.
15 The Secretary may deploy members of the Civilian
16 Reserve Corps pursuant to a determination by the
17 President under section 618 of the Foreign Assist-
18 ance Act of 1961.

19 “(3) MITIGATION OF DOMESTIC IMPACT.—The
20 establishment and deployment of any Civilian Re-
21 serve Corps shall be undertaken in a manner that
22 will avoid substantively impairing the capacity and
23 readiness of any State and local governments from
24 which Civilian Reserve Corps personnel may be
25 drawn.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
 2 are authorized to be appropriated to the Secretary of State
 3 such sums as may be necessary for fiscal years 2007
 4 through 2010 for the Office and to support, educate, train,
 5 maintain, and deploy a Response Readiness Corps and a
 6 Civilian Reserve Corps.

7 “(d) EXISTING TRAINING AND EDUCATION PRO-
 8 GRAMS.—The Secretary shall ensure that personnel of the
 9 Department, and, in coordination with the Administrator
 10 of USAID, that personnel of USAID, make use of the rel-
 11 evant existing training and education programs offered
 12 within the Government, such as those at the Center for
 13 Stabilization and Reconstruction Studies at the Naval
 14 Postgraduate School and the Interagency Training, Edu-
 15 cation, and After Action Review Program at the National
 16 Defense University.”.

17 **SEC. 4106. AUTHORITIES RELATED TO PERSONNEL.**

18 (a) EXTENSION OF CERTAIN FOREIGN SERVICE
 19 BENEFITS.—The Secretary, or the head of any agency
 20 with respect to personnel of that agency, may extend to
 21 any individuals assigned, detailed, or deployed to carry out
 22 reconstruction and stabilization activities pursuant to sec-
 23 tion 62 of the State Department Basic Authorities Act
 24 of 1956 (as added by section 4105 of this Act), the bene-
 25 fits or privileges set forth in sections 413, 704, and 901

1 of the Foreign Service Act of 1980 (22 U.S.C. 3973, 22
2 U.S.C. 4024, and 22 U.S.C. 4081) to the same extent and
3 manner that such benefits and privileges are extended to
4 members of the Foreign Service.

5 (b) AUTHORITY REGARDING DETAILS.—The Sec-
6 retary is authorized to accept details or assignments of
7 any personnel, and any employee of a State or local gov-
8 ernment, on a reimbursable or nonreimbursable basis for
9 the purpose of carrying out this subtitle, and the head of
10 any agency is authorized to detail or assign personnel of
11 such agency on a reimbursable or nonreimbursable basis
12 to the Department of State for purposes of section 62 of
13 the State Department Basic Authorities Act of 1956, as
14 added by section 4105 of this Act.

15 **SEC. 4107. RECONSTRUCTION AND STABILIZATION STRAT-**
16 **EGY.**

17 (a) IN GENERAL.—The Secretary of State, in con-
18 sultation with the Administrator of the United States
19 Agency for International Development, shall develop an
20 interagency strategy to respond to reconstruction and sta-
21 bilization operations.

22 (b) CONTENTS.—The strategy required under sub-
23 section (a) shall include the following:

24 (1) Identification of and efforts to improve the
25 skills sets needed to respond to and support recon-

1 struction and stabilization operations in countries or
2 regions that are at risk of, in, or are in transition
3 from, conflict or civil strife.

4 (2) Identification of specific agencies that can
5 adequately satisfy the skills sets referred to in para-
6 graph (1).

7 (3) Efforts to increase training of Federal civil-
8 ian personnel to carry out reconstruction and sta-
9 bilization activities.

10 (4) Efforts to develop a database of proven and
11 best practices based on previous reconstruction and
12 stabilization operations.

13 (5) A plan to coordinate the activities of agen-
14 cies involved in reconstruction and stabilization oper-
15 ations.

16 **SEC. 4108. ANNUAL REPORTS TO CONGRESS.**

17 Not later than 180 days after the date of the enact-
18 ment of this Act and annually for each of the five years
19 thereafter, the Secretary of State shall submit to the ap-
20 propriate congressional committees a report on the imple-
21 mentation of this subtitle. The report shall include de-
22 tailed information on the following:

23 (1) Any steps taken to establish a Response
24 Readiness Corps and a Civilian Reserve Corps, pur-
25 suant to section 62 of the State Department Basic

1 Authorities Act of 1956 (as added by section 4105
2 of this Act).

3 (2) The structure, operations, and cost of the
4 Response Readiness Corps and the Civilian Reserve
5 Corps, if established.

6 (3) How the Response Readiness Corps and the
7 Civilian Reserve Corps coordinate, interact, and
8 work with other United States foreign assistance
9 programs.

10 (4) An assessment of the impact that deploy-
11 ment of the Civilian Reserve Corps, if any, has had
12 on the capacity and readiness of any domestic agen-
13 cies or State and local governments from which Ci-
14 vilian Reserve Corps personnel are drawn.

15 (5) The reconstruction and stabilization strat-
16 egy required by section 4107 and any annual up-
17 dates to that strategy.

18 (6) Recommendations to improve implementa-
19 tion of subsection (b) of section 62 of the State De-
20 partment Basic Authorities Act of 1956, including
21 measures to enhance the recruitment and retention
22 of an effective Civilian Reserve Corps.

23 (7) A description of anticipated costs associated
24 with the development, annual sustainment, and de-
25 ployment of the Civilian Reserve Corps.

1 **Subtitle C—Overseas Private In-**
 2 **vestment Corporation Reauthor-**
 3 **ization of Act of 2008**

4 **SEC. 4201. SHORT TITLE.**

5 This subtitle may be cited as the “Overseas Private
 6 Investment Corporation Reauthorization Act of 2008”.

7 **SEC. 4202. REAUTHORIZATION OF OPIC PROGRAMS.**

8 Section 235(a)(2) of the Foreign Assistance Act of
 9 1961 (22 U.S.C. 2195(a)(2)) is amended by striking
 10 “September 30, 2007” and inserting “September 30,
 11 2011”.

12 **SEC. 4203. REQUIREMENTS REGARDING INTERNATIONALLY**
 13 **RECOGNIZED WORKER RIGHTS.**

14 Subsection (a) of section 231A of the Foreign Assist-
 15 ance Act of 1961 (22 U.S.C. 2191a(a)) is amended to read
 16 as follows:

17 “(a) INTERNATIONALLY RECOGNIZED WORKER
 18 RIGHTS.—

19 “(1) IN GENERAL.—The Corporation may in-
 20 sure, reinsure, guaranty, or finance a project only
 21 if—

22 “(A) the country in which the project is to
 23 be undertaken is eligible for designation as a
 24 beneficiary developing country under the Gener-
 25 alized System of Preferences (19 U.S.C. 2461

et seq.) and has not been determined to be ineligible for such designation on the basis of section 502(b)(2)(G) of the Trade Act of 1974 (19 U.S.C. 2462(b)(2)(G)) (relating to internationally recognized worker rights), or section 502(b)(2)(H) of such Act (19 U.S.C. 2462(b)(2)(H) (relating to the worst forms of child labor); or

“(B) the country in which the project is to be undertaken is not eligible for designation as a beneficiary country under the Generalized System of Preferences, the government of that country has taken or is taking steps to afford workers in the country (including any designated zone or special administrative region or area in that country) internationally recognized worker rights (as defined in section 507(4) of the Trade Act of 1974) (19 U.S.C. 2467(4)).

“(2) LIMITATION INAPPLICABLE.—The limitation contained in paragraph (1) shall not apply to providing assistance for humanitarian services.

“(3) USE OF REPORTS.—The Corporation shall, in implementing paragraph (1), consider—

“(A) information contained in the reports required by sections 116(d) and 502B(b) of this

1 Act and the report required by section 504 of
2 the Trade Act of 1974 (19 U.S.C. 2464);

3 “(B) other relevant sources of information
4 readily available to the Corporation, including
5 observations, reports, and recommendations of
6 the International Labour Organization; and

7 “(C) information provided in the hearing
8 required under subsection (c).

9 “(4) CONTRACT LANGUAGE.—The Corporation
10 shall include the following language, in substantially
11 the following form, in all contracts which the Cor-
12 poration enters into with eligible investors to provide
13 support under this title:

14 “The investor agrees not to take any actions to
15 obstruct or prevent employees of the foreign enter-
16 prise from exercising the employees’ internationally
17 recognized worker rights (as defined in section
18 507(4) of the Trade Act of 1974) (19 U.S.C.
19 2467(4)) and the investor agrees to adhere to the
20 obligations regarding those rights. The investor
21 agrees to prohibit discrimination with respect to em-
22 ployment and occupation.

23 “(5) PREFERENCE TO CERTAIN COUNTRIES.—
24 Consistent with its development objectives, the Cor-

1 poration shall give preferential consideration to
2 projects in countries that—

3 “(A) have adopted and maintained, in the
4 country’s laws and regulations, internationally
5 recognized worker rights, as well as the elimi-
6 nation of discrimination with respect to employ-
7 ment and occupation; and

8 “(B) are effectively enforcing those laws.”.

9 **SEC. 4204. PREFERENTIAL CONSIDERATION OF CERTAIN**
10 **INVESTMENT PROJECTS.**

11 Section 231(f) of the Foreign Assistance Act of 1961
12 (22 U.S.C. 2191(f)) is amended to read as follows:

13 “(f) to the greatest degree practicable and consistent
14 with the goals of the Corporation, to give preferential con-
15 sideration to investment projects in any less developed
16 country the government of which is receptive to both do-
17 mestic and foreign private enterprise and to projects in
18 any country the government of which is willing and able
19 to maintain conditions that enable private enterprise to
20 make a full contribution to the development process;”.

21 **SEC. 4205. CLIMATE CHANGE MITIGATION ACTION PLAN.**

22 Title IV of chapter 2 of part I of the Foreign Assist-
23 ance Act of 1961 (22 U.S.C. 2191 et seq.) is amended
24 by inserting after section 234A the following new section:

1 **“SEC. 234B. CLIMATE CHANGE MITIGATION.**

2 “(a) MITIGATION ACTION PLAN.—The Corporation
3 shall, not later than 180 days after the date of the enact-
4 ment of the Overseas Private Investment Corporation Re-
5 authorization Act of 2008, institute a climate change miti-
6 gation action plan that includes the following:

7 “(1) CLEAN TECHNOLOGY.—

8 “(A) INCREASING ASSISTANCE.—The Cor-
9 poration shall establish a goal of substantially
10 increasing its support of projects that use, de-
11 velop, or otherwise promote the use of clean en-
12 ergy technologies during the 10-year period be-
13 ginning on the date of the enactment of the
14 Overseas Private Investment Corporation Reau-
15 thorization Act of 2008.

16 “(B) PREFERENTIAL TREATMENT TO
17 PROJECTS.—The Corporation shall give pref-
18 erential treatment to evaluating and awarding
19 assistance for, and provide greater flexibility in
20 supporting, projects that use, develop, or other-
21 wise promote the use of clean energy tech-
22 nologies.

23 “(C) REPORT ON PLAN.—The Corporation
24 shall, not later than 180 days after the date of
25 the enactment of the Overseas Private Invest-
26 ment Corporation Reauthorization Act of 2008,

1 submit to the Committees on Foreign Relations
2 and Appropriations of the Senate and the Com-
3 mittees on Foreign Affairs and Appropriations
4 of the House of Representatives a report on the
5 plan developed to carry out subparagraph (A).
6 Thereafter, the Corporation shall include in its
7 annual report required under section 240A a
8 discussion of the plan and its implementation.

9 “(2) ENVIRONMENTAL IMPACT ASSESS-
10 MENTS.—

11 “(A) GREENHOUSE GAS EMISSIONS.—The
12 Corporation shall, in making an environmental
13 impact assessment or initial environmental
14 audit for a project under section 231A(b), also
15 take into account the degree to which the
16 project contributes to the emission of green-
17 house gases.

18 “(B) OTHER DUTIES NOT AFFECTED.—
19 The requirement provided for under subpara-
20 graph (A) is in addition to any other require-
21 ment, obligation, or duty of the Corporation.

22 “(3) GOALS FOR REDUCING GREENHOUSE GAS
23 EMISSIONS.—

24 “(A) IN GENERAL.—The Corporation shall
25 continue to maintain—

1 “(i) a goal for reducing direct green-
2 house gas emissions associated with
3 projects in the Corporation’s portfolio on
4 the date of the enactment of the Overseas
5 Private Investment Corporation Reauthor-
6 ization Act of 2008 by 20 percent during
7 the 10-year period beginning on such date
8 of enactment; and

9 “(ii) a goal for limiting annual invest-
10 ments in projects that have significant
11 greenhouse gas emissions after such date
12 of enactment in a manner that reduces
13 greenhouse gas emissions associated with
14 projects in the Corporation’s total portfolio
15 by 20 percent during the 10-year period
16 beginning on such date of enactment.

17 “(B) SPECIAL RULES.—

18 “(i) BASELINE.—For purposes of de-
19 termining the percentage by which green-
20 house gas emissions are reduced under
21 subparagraph (A), the Corporation shall
22 use the aggregate estimated greenhouse
23 gas emissions for projects in the Corpora-
24 tion’s portfolio.

1 “(ii) SIGNIFICANT GREENHOUSE GAS
2 EMISSIONS PROJECTS.—For purposes of
3 this paragraph, projects that have signifi-
4 cant greenhouse gas emissions are projects
5 that result in the emission of more than
6 100,000 tons of CO₂ equivalent each year.

7 “(C) REPORTING REQUIREMENTS.—The
8 Corporation shall include, in each annual report
9 required under section 240A, the following in-
10 formation with respect to the period covered by
11 the report:

12 “(i) The annual greenhouse gas emis-
13 sions attributable to each project in the
14 Corporation’s active portfolio that has sig-
15 nificant greenhouse gas emissions.

16 “(ii) The estimated greenhouse gas
17 emissions for each new project that has
18 significant greenhouse gas emissions for
19 which the Corporation provided insurance,
20 reinsurance, a guaranty, or financing,
21 since the previous report.

22 “(iii) The extent to which the Cor-
23 poration is meeting the goals described in
24 subparagraph (A) for reducing greenhouse
25 gas emissions.

1 “(iv) Each new project for which the
2 Corporation provided insurance, reinsur-
3 ance, a guaranty, or financing, that in-
4 volves renewable energy and environ-
5 mentally beneficial products and services,
6 including increased clean energy tech-
7 nology.

8 “(b) EXTRACTION INVESTMENTS.—

9 “(1) PRIOR NOTIFICATION TO CONGRESSIONAL
10 COMMITTEES.—

11 “(A) IN GENERAL.—The Corporation shall
12 provide notice of consideration of approval of a
13 project described in subparagraph (B) to the
14 Committees on Foreign Relations and Appro-
15 priations of the Senate and the Committees on
16 Foreign Affairs and Appropriations of the
17 House of Representatives not later than 60
18 days before approval of such project.

19 “(B) PROJECT DESCRIBED.—A project de-
20 scribed in this subparagraph is a Category A
21 project (as defined in section 237(q)(3)) relat-
22 ing to an extractive industry project or any ex-
23 tractive industry project for which the assist-
24 ance to be provided by the Corporation is val-

1 ued at \$10,000,000 or more (including contin-
2 gent liability).

3 “(2) COMMITMENT TO EITI PRINCIPLES.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the Corporation may ap-
6 prove a contract of insurance, reinsurance, a
7 guaranty, or enter into an agreement to provide
8 financing to an eligible investor for a project
9 that significantly involves an extractive industry
10 only if—

11 “(i) the eligible investor has agreed to
12 implement the Extractive Industries
13 Transparency Initiative principles and cri-
14 teria, or substantially similar principles
15 and criteria related to the specific project
16 to be carried out; and

17 “(ii)(I) the host country where the
18 project is to be carried out has committed
19 to the Extractive Industries Transparency
20 Initiative principles and criteria, or sub-
21 stantially similar principles and criteria; or

22 “(II) the host country where the
23 project is to be carried out has in place or
24 is taking the necessary steps to establish
25 functioning systems for—

1 “(aa) accurately accounting for
2 revenues and expenditures in connec-
3 tion with the extraction and export of
4 the type of natural resource to be ex-
5 tracted or exported;

6 “(bb) the independent audit of
7 such revenues and expenditures and
8 the widespread public dissemination of
9 the finding of the audit; and

10 “(cc) verifying government re-
11 ceipts against company payments, in-
12 cluding widespread dissemination of
13 such payment information, and disclo-
14 sure of such documents as host gov-
15 ernment agreements, concession
16 agreements, and bidding documents,
17 and allowing in any such dissemina-
18 tion or disclosure for the redaction of,
19 or exceptions for, information that is
20 commercially proprietary or that
21 would create a competitive disadvan-
22 tage.

23 “(B) EXCEPTION.—If a host country does
24 not meet the requirements of subparagraph
25 (A)(ii) (I) or (II), the Corporation may approve

1 a contract of insurance, reinsurance, or a guar-
2 anty, or enter into an agreement to provide fi-
3 nancing for a project in the host country if the
4 Corporation determines it is in the foreign pol-
5 icy interest of the United States for the Cor-
6 poration to provide support for the project in
7 the host country and the host country does not
8 prevent an eligible investor from complying with
9 subparagraph (A)(i).

10 “(3) PREFERENCE FOR CERTAIN PROJECTS.—

11 With respect to all projects that significantly involve
12 an extractive industry, the Corporation, to the extent
13 practicable and consistent with the Corporation’s de-
14 velopment objectives, shall give preference to a
15 project in which the eligible investor has agreed to
16 implement the Extractive Industries Transparency
17 Initiative principles and criteria, or substantially
18 similar principles and criteria, and the host country
19 where the project is to be carried out has committed
20 to the Extractive Industries Transparency Initiative
21 principles and criteria, or substantially similar prin-
22 ciples and criteria.

23 “(4) EFFECT ON OTHER REQUIREMENTS.—

24 Nothing in this subsection shall affect the limita-

tions and prohibitions with respect to direct investments described in section 234(c).

“(5) REPORTING REQUIREMENT.—The Corporation shall include in its annual report required under section 240A a description of its activities to carry out this subsection.

“(c) DEFINITIONS.—In this section:

“(1) CLEAN ENERGY TECHNOLOGY.—The term ‘clean energy technology’ means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a host country, will—

“(A) reduce emissions of greenhouse gases;

or

“(B) decrease the intensity of energy usage.

“(2) GREENHOUSE GAS.—The term ‘greenhouse gas’ means—

“(A) carbon dioxide;

“(B) methane;

“(C) nitrous oxide;

“(D) hydrofluorocarbons;

“(E) perfluorocarbons; or

“(F) sulfur hexafluoride.

1 “(3) **EXTRACTIVE INDUSTRY.**—The term ‘ex-
2 tractive industry’ refers to an enterprise engaged in
3 the exploration, development, or extraction of oil and
4 gas reserves, metal ores, gemstones, industrial min-
5 erals (except rock used for construction purposes),
6 or coal.”.

7 **SEC. 4206. INCREASED TRANSPARENCY.**

8 (a) **IN GENERAL.**—Paragraph (2) of section 231A(c)
9 of the Foreign Assistance Act of 1961 (22 U.S.C.
10 2191a(c)(2)) is amended to read as follows:

11 “(2) In conjunction with each meeting of its Board
12 of Directors, the Corporation shall hold a public hearing
13 in order to afford an opportunity for any person to present
14 views regarding the activities of the Corporation. The Cor-
15 poration shall notice such a hearing at least 20 days in
16 advance. At least 15 days in advance of such hearing the
17 Corporation shall make available a public summary of
18 each project, including information related to workers
19 rights, to be considered at the meeting. The Corporation
20 shall not include any confidential business information in
21 the summary made available under this subsection. Such
22 views shall be made part of the record.”.

23 (b) **ADDITIONAL TRANSPARENCY.**—Section 237 of
24 the Foreign Assistance Act of 1961 (22 U.S.C. 2197) is

1 amended by adding at the end the following new sub-
2 sections:

3 “(p) REVIEW OF METHODOLOGY.—Not later than
4 180 days after the date of the enactment of the Overseas
5 Private Investment Corporation Reauthorization Act of
6 2008, the Corporation shall make available to the public
7 the methodology, including relevant regulations, used to
8 assess and monitor the impact of projects supported by
9 the Corporation on employment in the United States and
10 on the development, the environment, and the protection
11 of internationally recognized worker rights, as well as the
12 elimination of discrimination with respect to employment
13 and occupation, in host countries.

14 “(q) PUBLIC NOTICE PRIOR TO PROJECT AP-
15 PROVAL.—

16 “(1) PUBLIC NOTICE.—

17 “(A) IN GENERAL.—The Board of Direc-
18 tors of the Corporation may not vote in favor
19 of any action proposed to be taken by the Cor-
20 poration on a Category A project before the
21 date that is 60 days after the Corporation—

22 “(i) makes available for public com-
23 ment a summary of the project and rel-
24 evant information about the project; and

1 “(ii) such summary and information
2 described in clause (i) has been made
3 available to groups in the area that may be
4 impacted by the proposed project and to
5 nongovernmental organizations in the host
6 country.

7 “(B) EXCEPTION.—The Corporation shall
8 not include any confidential business informa-
9 tion in the summary and information made
10 available under clauses (i) and (ii) of subpara-
11 graph (A).

12 “(2) PUBLISHED RESPONSE.—To the extent
13 practicable, the Corporation shall publish responses
14 to the comments received under paragraph (1)(A)(i)
15 with respect to a Category A project and submit the
16 responses to the Board not later than 7 days before
17 a vote is to be taken on any action proposed by the
18 Corporation on the project.

19 “(3) CATEGORY A PROJECT DEFINED.—The
20 term ‘Category A project’ means any project or
21 other activity for which the Corporation proposes to
22 provide insurance, reinsurance, a guaranty, financ-
23 ing, or other assistance under this title and which is
24 likely to have a significant adverse environmental
25 impact.”.

1 (c) OFFICE OF ACCOUNTABILITY.—Section 237 of
 2 the Foreign Assistance Act of 1961 (22 U.S.C. 2197), as
 3 amended by subsection (b) of this section, is amended by
 4 adding at the end the following new subsection:

5 “(r) OFFICE OF ACCOUNTABILITY.—The Corporation
 6 shall maintain an Office of Accountability to provide, to
 7 the maximum extent practicable, upon request, problem-
 8 solving services for projects supported by the Corporation
 9 and review of the Corporation’s compliance with its envi-
 10 ronmental, social, internationally recognized worker
 11 rights, human rights, and transparency policies and proce-
 12 dures. The Office of Accountability shall operate in a man-
 13 ner that is fair, objective, and transparent.”.

14 **SEC. 4207. TRANSPARENCY AND ACCOUNTABILITY OF IN-**
 15 **VESTMENT FUNDS.**

16 (a) IN GENERAL.—Section 239 of the Foreign Assist-
 17 ance Act of 1961 (22 U.S.C. 2199) is amended by adding
 18 at the end the following:

19 “(l) TRANSPARENCY AND ACCOUNTABILITY OF IN-
 20 VESTMENT FUNDS.—

21 “(1) COMPETITIVE SELECTION OF INVESTMENT
 22 FUND MANAGEMENT.—With respect to any invest-
 23 ment fund that the Corporation creates on or after
 24 the date of the enactment of the Overseas Private
 25 Investment Corporation Reauthorization Act of

1 2008, the Corporation may select persons to manage
2 the fund only by contract using competitive proce-
3 dures that are full and open.

4 “(2) CRITERIA FOR SELECTION.—In assessing
5 proposals for investment fund management pro-
6 posals, the Corporation shall consider, in addition to
7 other factors, the following:

8 “(A) The prospective fund management’s
9 experience, depth, and cohesiveness.

10 “(B) The prospective fund management’s
11 track record in investing risk capital in emerg-
12 ing markets.

13 “(C) The prospective fund management’s
14 experience, management record, and monitoring
15 capabilities in the countries in which the man-
16 agement operates, including details of local
17 presence (directly or through local alliances).

18 “(D) The prospective fund management’s
19 experience as a fiduciary in managing institu-
20 tional capital, meeting reporting requirements,
21 and administration.

22 “(E) The prospective fund management’s
23 record in avoiding investments in companies
24 that would be disqualified under section
25 239(m).

1 “(3) ANNUAL REPORT.—The Corporation shall
2 include in each annual report under section 240A an
3 analysis of the investment fund portfolio of the Cor-
4 poration, including the following:

5 “(A) FUND PERFORMANCE.—An analysis
6 of the aggregate financial performance of the
7 investment fund portfolio grouped by region
8 and maturity.

9 “(B) STATUS OF LOAN GUARANTIES.—The
10 amount of guaranties committed by the Cor-
11 poration to support investment funds, including
12 the percentage of such amount that has been
13 disbursed to the investment funds.

14 “(C) RISK RATINGS.—The definition of
15 risk ratings, and the current aggregate risk rat-
16 ings for the investment fund portfolio, including
17 the number of investment funds in each of the
18 Corporation’s rating categories.

19 “(D) COMPETITIVE SELECTION OF INVEST-
20 MENT FUND MANAGEMENT.—The number of
21 proposals received and evaluated for each newly
22 established investment fund.”.

23 (b) GAO REVIEW.—Not later than 1 year after the
24 submission of the first report to Congress under section
25 240A of the Foreign Assistance Act of 1961 that includes

1 the information required by section 239(l)(3) of that Act
2 (as added by subsection (a) of this section), the Comp-
3 troller General of the United States shall prepare and sub-
4 mit to the Committee on Foreign Relations of the Senate
5 and the Committee on Foreign Affairs of the House of
6 Representatives an independent assessment of the invest-
7 ment fund portfolio of the Overseas Private Investment
8 Corporation, covering the items required to be addressed
9 under such section 239(l)(3).

10 **SEC. 4208. PROHIBITION ON ASSISTANCE TO DEVELOP OR**
11 **PROMOTE CERTAIN RAILWAY CONNECTIONS**
12 **AND RAILWAY-RELATED CONNECTIONS.**

13 Section 237 of the Foreign Assistance Act of 1961
14 (22 U.S.C. 2197), as amended by section 4206, is amend-
15 ed by adding at the end the following:

16 “(s) PROHIBITION ON ASSISTANCE FOR CERTAIN
17 RAILWAY PROJECTS.—The Corporation may not provide
18 insurance, reinsurance, a guaranty, financing, or other as-
19 sistance to support the development or promotion of a rail-
20 way connection or railway-related connection that connects
21 Azerbaijan and Turkey without connecting or traversing
22 with Armenia.”.

1 **SEC. 4209. INELIGIBILITY OF PERSONS DOING CERTAIN**
 2 **BUSINESS WITH STATE SPONSORS OF TER-**
 3 **RORISM.**

4 (a) IN GENERAL.—Section 231 of the Foreign Assist-
 5 ance Act of 1961 (22 U.S.C. 2191) is amended by—

6 (1) striking “and” at the end of division (m);

7 (2) by striking the period at the end of division

8 (n) and inserting “; and”; and

9 (3) by adding at the end the following:

10 “(o) to decline to issue any contract of insurance or
 11 reinsurance, or any guaranty, or to enter into any agree-
 12 ment to provide financing or any other assistance for a
 13 prospective eligible investor who enters, directly or
 14 through an affiliate, into certain discouraged transactions
 15 with a state sponsor of terrorism.”.

16 (b) GENERAL PROVISIONS AND POWERS.—Section
 17 239 of the Foreign Assistance Act of 1961 (22 U.S.C.
 18 2199), as amended by section 4207, is amended by adding
 19 at the end the following:

20 “(m) STATE SPONSOR OF TERRORISM.—

21 “(1) IN GENERAL.—In order to carry out the
 22 policy set forth in section 231(o) of this Act, the
 23 Corporation shall require a certification from an of-
 24 ficer of a prospective OPIC-supported United States
 25 investor that the investor and all affiliates of the in-

1 investor are not engaged in a discouraged transaction
2 with a state sponsor of terrorism.

3 “(2) DISCOURAGED TRANSACTION.—In this
4 subsection, the term ‘discouraged transaction’ means
5 any of the following activities:

6 “(A) An investment commitment of
7 \$20,000,000 or more by the investor in the en-
8 ergy sector in a state sponsor of terrorism.

9 “(B) Any loan, or an extension of credit,
10 to the government of a state sponsor of ter-
11 rorism by the investor that—

12 “(i) is outstanding on the date the
13 Corporation enters into a contract with the
14 investor; and

15 “(ii) that has a value of more than
16 \$5,000,000, including the sale of goods for
17 which payment is not required by the pur-
18 chaser within 45 days.

19 “(C) The transfer by the investor of goods
20 that are included on the United States Muni-
21 tions List, referred to in section 38(a)(1) of the
22 Arms Export Control Act (22 U.S.C.
23 2778(a)(1)) to a state sponsor of terrorism
24 within the 3-year period preceding the date the

1 Corporation enters into a contract with the in-
2 vestor.

3 “(3) EXCEPTION.—An officer of a prospective
4 OPIC-supported United States investor may provide
5 a certification under this subsection notwithstanding
6 the fact that an affiliate of the investor is engaged
7 in a discouraged transaction if the transaction is
8 carried out under a contract or other obligation of
9 the affiliate that was entered into or incurred before
10 the acquisition of such affiliate by the prospective
11 OPIC-supported United States investor or the par-
12 ent company of the OPIC-supported United States
13 investor.

14 “(4) DEFINITIONS.—In this subsection:

15 “(A) AFFILIATE.—The term ‘affiliate’
16 means any person that is directly or indirectly
17 controlled by, under common control with, or
18 controls a prospective OPIC-supported United
19 States investor or the parent company of such
20 investor.

21 “(B) INVESTMENT COMMITMENT IN THE
22 ENERGY SECTOR OF A STATE SPONSOR OF TER-
23 RORISM.—The term ‘investment commitment in
24 the energy sector of a state sponsor of ter-
25 rorism’ means any of the following activities if

1 such activity is undertaken pursuant to a com-
2 mitment, or pursuant to the exercise of rights
3 under a commitment, that was entered into
4 with the government of a state sponsor of ter-
5 rorism or a nongovernmental entity in a coun-
6 try that is a state sponsor of terrorism:

7 “(i) The entry into a contract that in-
8 cludes responsibility for the development or
9 transportation of petroleum or natural gas
10 resources located in a country that is a
11 state sponsor of terrorism, or the entry
12 into a contract providing for the general
13 supervision or guaranty of another per-
14 son’s performance of such a contract.

15 “(ii) The purchase of a share of own-
16 ership, including an equity interest, in the
17 development of petroleum or natural re-
18 sources described in clause (i).

19 “(iii) The entry into a contract pro-
20 viding for the participation in royalties,
21 earnings, or profits in the development of
22 petroleum or natural resources described in
23 clause (i), without regard to the form of
24 the participation.

1 “(C) STATE SPONSOR OF TERRORISM.—

2 The term ‘state sponsor of terrorism’ —

3 “(i) means any country the govern-
4 ment of which the Secretary of State has
5 determined has repeatedly provided sup-
6 port for acts of international terrorism
7 pursuant to section 6(j) of the Export Ad-
8 ministration Act of 1979, section 620A of
9 this Act, or section 40 of the Arms Export
10 Control Act; and

11 “(ii) does not include Southern
12 Sudan, Southern Kordofan/Nuba Moun-
13 tains State, Blue Nile State, and Abyei,
14 Darfur, if the Corporation, with the con-
15 currence of the Secretary of State, deter-
16 mines that providing assistance for
17 projects in such regions will provide emer-
18 gency relief, promote economic self-suffi-
19 ciency, or implement a nonmilitary pro-
20 gram in support of a viable peace agree-
21 ment in Sudan, such as the Comprehensive
22 Peace Agreement for Sudan and the
23 Darfur Peace Agreement.”.

1 **SEC. 4210. CONGRESSIONAL NOTIFICATION REGARDING**
2 **MAXIMUM CONTINGENT LIABILITY.**

3 Section 239 of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2199), as amended by sections 4207 and 4209,
5 is amended by adding at the end the following:

6 “(n) CONGRESSIONAL NOTIFICATION OF INCREASE
7 IN MAXIMUM CONTINGENT LIABILITY.—The Corporation
8 shall notify the Committee on Foreign Relations of the
9 Senate and the Committee on Foreign Affairs of the
10 House of Representatives not later than 15 days after the
11 date on which the Corporation’s maximum contingent li-
12 ability outstanding at any one time pursuant to insurance
13 issued under section 234(a), and the amount of financing
14 issued under sections 234(b) and (c), exceeds the Corpora-
15 tion’s maximum contingent liability for the preceding fis-
16 cal year by 25 percent or more.”.

17 **SEC. 4211. EXTENSION OF AUTHORITY TO OPERATE IN**
18 **IRAQ.**

19 Section 239 of the Foreign Assistance Act of 1961
20 (22 U.S.C. 2199), as amended by sections 4207, 4209,
21 and 4210, is amended by adding at the end the following:

22 “(o) OPERATIONS IN IRAQ.—Notwithstanding sub-
23 sections (a) and (b) of section 237, the Corporation is au-
24 thorized to undertake in Iraq any program authorized by
25 this title.”.

1 **SEC. 4212. LOW-INCOME HOUSING.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Corporation shall submit a report to the
4 Committee on Foreign Relations of the Senate and the
5 Committee on Foreign Affairs of the House of Representa-
6 tives, in consultation with appropriate departments, agen-
7 cies, and instrumentalities of the United States, as well
8 as private entities, on the feasibility of broadening the as-
9 sistance the Corporation provides to projects that provide
10 support to low-income home buyers. If the Corporation
11 finds such assistance is feasible, the Corporation shall
12 identify and begin to implement steps to proceed to pro-
13 vide such assistance.

14 **SEC. 4213. ASSISTANCE FOR SMALL BUSINESSES AND ENTI-**
15 **TIES.**

16 Section 240 of the Foreign Assistance Act of 1961
17 (22 U.S.C. 2200) is amended by adding at the end the
18 following:

19 “(c) RESOURCES DEDICATED TO SMALL BUSI-
20 NESSES, COOPERATIVES, AND OTHER SMALL UNITED
21 STATES INVESTORS.—The Corporation shall ensure that
22 adequate personnel and resources, including senior offi-
23 cers, are dedicated to assist United States small busi-
24 nesses, cooperatives, and other small United States inves-
25 tors in obtaining insurance, reinsurance, financing, and
26 other assistance under this title. The Corporation shall in-

1 clude, in each annual report under section 240A, the fol-
 2 lowing information with respect to the period covered by
 3 the report:

4 “(1) A description of such personnel and re-
 5 sources.

6 “(2) The number of United States small busi-
 7 nesses, cooperatives, and other small United States
 8 investors that received insurance, reinsurance, fi-
 9 nancing, and other assistance from the Corporation,
 10 and the dollar value of such insurance, reinsurance,
 11 financing, and other assistance.

12 “(3) A description of the projects for which the
 13 insurance, reinsurance, financing, and other assist-
 14 ance was provided.”.

15 **SEC. 4214. TECHNICAL CORRECTIONS.**

16 (a) PILOT EQUITY FINANCE PROGRAM.—Section 234
 17 of the Foreign Assistance Act of 1961 (22 U.S.C. 2194)
 18 is amended—

19 (1) by striking subsection (g); and

20 (2) by redesignating subsection (h) as sub-
 21 section (g).

22 (b) TRANSFER AUTHORITY.—Section 235 of the For-
 23 eign Assistance Act of 1961 (22 U.S.C. 2195) is amend-
 24 ed—

25 (1) by striking subsection (e); and

1 (2) by redesignating subsection (f) as sub-
2 section (e).

3 (c) GUARANTY CONTRACT.—Section 237(j) of the
4 Foreign Assistance Act of 1961 (22 U.S.C. 2197(j)) is
5 amended by inserting “insurance, reinsurance, and” after
6 “Each”.

7 (d) TRANSFER OF PREDECESSOR PROGRAMS AND
8 AUTHORITIES.—

9 (1) TRANSFER.—Section 239 of the Foreign
10 Assistance Act of 1961 (22 U.S.C. 2199), as amend-
11 ed by sections 4207, 4209, 4210, and 4211, is
12 amended—

13 (A) by striking subsection (b); and

14 (B) by redesignating subsections (c)
15 through (o) as subsections (b) through (n), re-
16 spectively.

17 (2) CONFORMING AMENDMENTS.—

18 (A) Section 237(m)(1) of the Foreign As-
19 sistance Act of 1961 (22 U.S.C. 2197(m)(1)) is
20 amended by striking “239(g)” and inserting
21 “239(f)”.

22 (B) Section 240A(a) of the Foreign Assist-
23 ance Act of 1961 (22 U.S.C. 2200A(a)) is
24 amended—

1 (i) in paragraph (1), by striking
2 “239(h)” and inserting “239(g)”; and

3 (ii) in paragraph (2)(A), by striking
4 “239(i)” and inserting “239(h)”.

5 (C) Section 209(e)(16) of the Admiral
6 James W. Nance and Meg Donovan Foreign
7 Relations Authorization Act, Fiscal Years 2000
8 and 2001 (as enacted into law by section
9 1000(a)(7) of Public Law 106–113; 31 U.S.C.
10 1113 note) is amended by striking “239(c)”
11 and “2199(c)” and inserting “239(b)” and
12 “2199(b)”, respectively.

13 (e) ADDITIONAL CLERICAL AMENDMENTS.—Section
14 234(b) of the Foreign Assistance Act of 1961 (22 U.S.C.
15 2194(b)) is amended by striking “235(a)(2)” and insert-
16 ing “235(a)(1)”.

17 **Subtitle D—Tropical Forest and**
18 **Coral Conservation Reauthor-**
19 **ization Act of 2008**

20 **SEC. 4301. SHORT TITLE.**

21 This subtitle may be cited as the “Tropical Forest
22 and Coral Conservation Reauthorization Act of 2008”.

1 **SEC. 4302. AMENDMENT TO SHORT TITLE OF ACT TO EN-**
2 **COMPASS EXPANDED SCOPE.**

3 (a) IN GENERAL.—Section 801 of the Tropical For-
4 est Conservation Act of 1998 (Public Law 87–195; 22
5 U.S.C. 2151 note) is amended by striking “Tropical For-
6 est Conservation Act of 1998” and inserting “Tropical
7 Forest and Coral Conservation Act of 2008”.

8 (b) REFERENCES.—Any reference in any other provi-
9 sion of law, regulation, document, paper, or other record
10 of the United States to the “Tropical Forest Conservation
11 Act of 1998” shall be deemed to be a reference to the
12 “Tropical Forest and Coral Conservation Act of 2008”.

13 **SEC. 4303. EXPANSION OF SCOPE OF ACT TO PROTECT FOR-**
14 **ESTS AND CORAL REEFS.**

15 (a) IN GENERAL.—Section 802 of the Tropical For-
16 est and Coral Conservation Act of 2008 (22 U.S.C. 2431),
17 as renamed by section 2(a), is amended—

18 (1) in subsections (a)(1), (a)(6), (a)(7), (b)(1),
19 (b)(3), and (b)(4), by striking “tropical forests”
20 each place it appears and inserting “tropical forests
21 and coral reefs and associated coastal marine eco-
22 systems”;

23 (2) in subsection (a)(2)—

24 (A) in subparagraph (A), by striking “re-
25 sources, which are the basis for developing

1 pharmaceutical products and revitalizing agri-
2 cultural crops” and inserting “resources”; and

3 (B) in subparagraph (C), by striking “far-
4 flung”; and

5 (3) in subsection (b)(2)—

6 (A) by striking “tropical forests” the first
7 place it appears and inserting “tropical forests
8 and coral reefs and associated coastal marine
9 ecosystems”;

10 (B) by striking “tropical forests” the sec-
11 ond place it appears and inserting “areas”;

12 (C) by striking “tropical forests” the third
13 place it appears and inserting “tropical forests
14 and coral reefs and their associated coastal ma-
15 rine ecosystems”; and

16 (D) by striking “that have led to deforest-
17 ation” and inserting “on such countries”.

18 (b) AMENDMENTS RELATED TO DEFINITIONS.—Sec-
19 tion 803 of such Act (22 U.S.C. 2431a) is amended—

20 (1) in paragraph (5)—

21 (A) in the heading, by striking “TROPICAL
22 FOREST” and inserting “TROPICAL FOREST OR
23 CORAL REEF”;

1 (B) in the matter preceding subparagraph
 2 (A), by striking “tropical forest” and inserting
 3 “tropical forest or coral reef”; and

4 (C) in subparagraph (B), by striking
 5 “tropical forest” and inserting “tropical forest
 6 or coral reef”.

7 (2) by adding at the end the following new
 8 paragraphs:

9 “(10) CORAL.—The term ‘coral’ means species
 10 of the phylum Cnidaria, including—

11 “(A) all species of the orders Antipatharia
 12 (black corals), Scleractinia (stony corals),
 13 Alcyonacea (soft corals), Gorgonacea (horny
 14 corals), Stolonifera (organpipe corals and oth-
 15 ers), and Coenothecalia (blue coral), of the class
 16 Anthoza; and

17 “(B) all species of the order
 18 Hydrocorallina (fire corals and hydrocorals) of
 19 the class Hydrozoa.

20 “(11) CORAL REEF.—The term ‘coral reef’
 21 means any reef or shoal composed primarily of coral.

22 “(12) ASSOCIATED COASTAL MARINE ECO-
 23 SYSTEM.—The term ‘associated coastal marine eco-
 24 system’ means any coastal marine ecosystem sur-
 25 rounding, or directly related to, a coral reef and im-

1 portant to maintaining the ecological integrity of
2 that coral reef, such as seagrasses, mangroves,
3 sandy seabed communities, and immediately adja-
4 cent coastal areas.”.

5 **SEC. 4304. CHANGE TO NAME OF FACILITY.**

6 (a) IN GENERAL.—Section 804 of the Tropical For-
7 est and Coral Conservation Act of 2008 (22 U.S.C.
8 2431b), as renamed by section 4302(a), is amended by
9 striking “Tropical Forest Facility” and inserting “Con-
10 servation Facility”.

11 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—
12 Section 803(8) of such Act (22 U.S.C. 2431a(8)) is
13 amended—

14 (1) in the heading, by striking “TROPICAL FOR-
15 EST FACILITY” and inserting “CONSERVATION FA-
16 CILITY”; and

17 (2) by striking “Tropical Forest Facility” both
18 places it appears and inserting “Conservation Facil-
19 ity”.

20 (c) REFERENCES.—Any reference in any other provi-
21 sion of law, regulation, document, paper, or other record
22 of the United States to the “Tropical Forest Facility”
23 shall be deemed to be a reference to the “Conservation
24 Facility”.

1 **SEC. 4305. ELIGIBILITY FOR BENEFITS.**

2 Section 805(a) of the Tropical Forest and Coral Con-
 3 servation Act of 2008 (22 U.S.C. 2431c(a)), as renamed
 4 by section 4302(a), is amended by striking “tropical for-
 5 est” and inserting “tropical forest or coral reef”.

6 **SEC. 4306. UNITED STATES GOVERNMENT REPRESENTA-**
 7 **TION ON OVERSIGHT BODIES FOR GRANTS**
 8 **FROM DEBT-FOR-NATURE SWAPS AND DEBT-**
 9 **BUYBACKS.**

10 Section 808(a)(5) of the Tropical Forest and Coral
 11 Conservation Act of 2008 (22 U.S.C. 2431f(a)(5)), as re-
 12 named by section 4302(a), is amended by adding at the
 13 end the following new subparagraph:

14 “(C) UNITED STATES GOVERNMENT REP-
 15 RESENTATION ON THE ADMINISTERING
 16 BODY.—One or more individuals appointed by
 17 the United States Government may serve in an
 18 official capacity on the administering body that
 19 oversees the implementation of grants arising
 20 from a debt-for-nature swap or debt buy-back
 21 regardless of whether the United States is a
 22 party to any agreement between the eligible
 23 purchaser and the government of the bene-
 24 ficiary country.”.

1 **SEC. 4307. CONSERVATION AGREEMENTS.**

2 (a) RENAMING OF AGREEMENTS.—Section 809 of
3 the Tropical Forest and Coral Conservation Act of 2008
4 (22 U.S.C. 2431g), as renamed by section 4302(a), is
5 amended—

6 (1) in the section heading, by striking “**TROP-**
7 **ICAL FOREST AGREEMENT**” and inserting “**CON-**
8 **SERVATION AGREEMENT**”; and

9 (2) in subsection (a)—

10 (A) by striking “AUTHORITY” and all that
11 follows through “(1) IN GENERAL.—The Sec-
12 retary” and inserting “AUTHORITY.—The Sec-
13 retary”; and

14 (B) by striking “Tropical Forest Agree-
15 ment” and inserting “Conservation Agree-
16 ment”.

17 (b) ELIMINATION OF REQUIREMENT TO CONSULT
18 WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—
19 Such subsection is further amended by striking paragraph
20 (2).

21 (c) ROLE OF BENEFICIARY COUNTRIES.—Such sec-
22 tion is further amended—

23 (1) in subsection (e)(1)(C), by striking “in ex-
24 ceptional circumstances, the government of the bene-
25 ficiary country” and inserting “in limited cir-
26 cumstances, the government of the beneficiary coun-

1 try when needed to improve governance and enhance
 2 management of tropical forests or coral reefs or as-
 3 sociated coastal marine ecosystems, without replac-
 4 ing existing levels of financial efforts by the govern-
 5 ment of the beneficiary country and with priority
 6 given to projects that complement grants made
 7 under subparagraphs (A) and (B)”; and

8 (2) by amending subsection (f) to read as fol-
 9 lows:

10 “(f) REVIEW OF LARGER GRANTS.—Any grant of
 11 more than \$250,000 from a Fund must be approved by
 12 the Government of the United States and the government
 13 of the beneficiary country.”.

14 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
 15 Such section is further amended—

16 (1) in subsection (c)(2)(A)(i), by inserting “to
 17 serve in an official capacity” after “Government”;

18 (2) in subsection (d)—

19 (A) in the matter preceding paragraph (1),
 20 by striking “tropical forests” and inserting
 21 “tropical forests and coral reefs and associated
 22 coastal marine ecosystems related to such coral
 23 reefs”;

24 (B) in paragraph (5), by striking “tropical
 25 forest”; and

1 (C) in paragraph (6), by striking “living in
 2 or near a tropical forest in a manner consistent
 3 with protecting such tropical forest” and insert-
 4 ing “dependent on a tropical forest or coral reef
 5 or an associated coastal marine ecosystem re-
 6 lated to such coral reef and related resources in
 7 a manner consistent with conserving such re-
 8 sources”.

9 (e) CONFORMING AMENDMENTS TO DEFINITIONS.—
 10 Section 803(7) of such Act (22 U.S.C. 2431a(7)) is
 11 amended—

12 (1) in the heading, by striking “TROPICAL FOR-
 13 EST AGREEMENT” and inserting “CONSERVATION
 14 AGREEMENT”; and

15 (2) by striking “Tropical Forest Agreement”
 16 both places it appears and inserting “Conservation
 17 Agreement”.

18 **SEC. 4308. CONSERVATION FUND.**

19 (a) IN GENERAL.—Section 810 of the Tropical For-
 20 est and Coral Conservation Act of 2008 (22 U.S.C.
 21 2431h), as renamed by section 4302(a), is amended—

22 (1) in the section heading, by striking “**TROP-**
 23 **ICAL FOREST FUND**” and inserting “**CONSERVA-**
 24 **TION FUND**”; and

25 (2) in subsection (a)—

1 (A) by striking “Tropical Forest Agree-
2 ment” and inserting “Conservation Agree-
3 ment”; and

4 (B) by striking “Tropical Forest Fund”
5 and inserting “Conservation Fund”.

6 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—

7 Such Act is further amended—

8 (1) in section 803(9) (22 U.S.C. 2431a(9))—

9 (A) in the heading, by striking “TROPICAL
10 FOREST FUND” and inserting “CONSERVATION
11 FUND”; and

12 (B) by striking “Tropical Forest Fund”
13 both places it appears and inserting “Conserva-
14 tion Fund”;

15 (2) in section 806(c)(2) (22 U.S.C.
16 2431d(c)(2)), by striking “Tropical Forest Fund”
17 and inserting “Conservation Fund”; and

18 (3) in section 807(c)(2) (22 U.S.C.
19 2431e(c)(2)), by striking “Tropical Forest Fund”
20 and inserting “Conservation Fund”.

1 **SEC. 4309. REPEAL OF AUTHORITY OF THE ENTERPRISE**
 2 **FOR THE AMERICAS BOARD TO CARRY OUT**
 3 **ACTIVITIES UNDER THE FOREST AND CORAL**
 4 **CONSERVATION ACT OF 2008.**

5 (a) IN GENERAL.—Section 811 of the Tropical For-
 6 est and Coral Conservation Act of 2008 (22 U.S.C.
 7 2431i), as renamed by section 4302(a), is repealed.

8 (b) CONFORMING AMENDMENTS.—Section 803 of
 9 such Act (22 U.S.C. 2431a), as renamed by section
 10 4302(a), is amended—

11 (1) by striking paragraph (4); and

12 (2) by redesignating paragraphs (5), (6), (7),
 13 (8), and (9) as paragraphs (4), (5), (6), (7), and
 14 (8), respectively.

15 **SEC. 4310. CHANGES TO DUE DATES OF ANNUAL REPORTS**
 16 **TO CONGRESS.**

17 Section 813 of the Tropical Forest and Coral Con-
 18 servation Act of 2008 (22 U.S.C. 2431k), as renamed by
 19 section 4302(a), is amended—

20 (1) in subsection (a)—

21 (A) by striking “(a) IN GENERAL.—Not
 22 later than December 31” and inserting “Not
 23 later than April 15”;

24 (B) by striking “Facility” both places it
 25 appears and inserting “Conservation Facility”;
 26 and

1 (C) by striking “fiscal year” both places it
2 appears and inserting “calendar year”; and
3 (2) by striking subsection (b).

4 **SEC. 4311. CHANGES TO INTERNATIONAL MONETARY FUND**
5 **CRITERION FOR COUNTRY ELIGIBILITY.**

6 Section 703(a)(5) of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2430b(a)(5)) is amended—

8 (1) by striking “or, as appropriate in excep-
9 tional circumstances,” and inserting “or”;

10 (2) in subparagraph (A)—

11 (A) by striking “or in exceptional cir-
12 cumstances, a Fund monitored program or its
13 equivalent,” and inserting “or a Fund mon-
14 itored program, or is implementing sound mac-
15 roeconomic policies,”; and

16 (B) by striking “(after consultation with
17 the Enterprise for the Americas Board)”; and

18 (3) in subparagraph (B), by striking “(after
19 consultation with the Enterprise for Americas
20 Board)”.

1 **SEC. 4312. NEW AUTHORIZATION OF APPROPRIATIONS FOR**
2 **THE REDUCTION OF DEBT AND AUTHORIZA-**
3 **TION FOR AUDIT, EVALUATION, MONITORING,**
4 **AND ADMINISTRATION EXPENSES.**

5 Section 806 of the Tropical Forest and Coral Con-
6 servation Act of 2008 (22 U.S.C. 2431d), as renamed by
7 section 4302(a), is amended—

8 (1) in subsection (d), by adding at the end the
9 following new paragraphs:

10 “(7) \$30,000,000 for fiscal year 2008.

11 “(8) \$30,000,000 for fiscal year 2009.

12 “(9) \$30,000,000 for fiscal year 2010.”; and

13 (2) by amending subsection (e) to read as fol-
14 lows:

15 “(e) USE OF FUNDS TO CONDUCT PROGRAM AU-
16 DITS, EVALUATIONS, MONITORING, AND ADMINISTRA-
17 TION.—Of the amounts made available to carry out this
18 part for a fiscal year, \$300,000 is authorized to be made
19 available to carry out audits, evaluations, monitoring, and
20 administration of programs under this part, including per-
21 sonnel costs associated with such audits, evaluations, mon-
22 itoring and administration.”

1 **Subtitle E—Torture Victims Relief**
2 **Reauthorization Act of 2008**

3 **SEC. 4401. SHORT TITLE.**

4 This subtitle may be cited as the “Torture Victims
5 Relief Reauthorization Act of 2008”.

6 **SEC. 4402. AUTHORIZATION OF APPROPRIATIONS FOR DO-**
7 **MESTIC TREATMENT CENTERS FOR VICTIMS**
8 **OF TORTURE.**

9 Section 5(b)(1) of the Torture Victims Relief Act of
10 1998 (22 U.S.C. 2152 note) is amended to read as follows:

11 “(1) AUTHORIZATION OF APPROPRIATIONS.—Of
12 the amounts authorized to be appropriated for the
13 Department of Health and Human Services for fis-
14 cal years 2008 and 2009, there are authorized to be
15 appropriated to carry out subsection (a)
16 \$25,000,000 for each of the fiscal years 2008 and
17 2009.”.

18 **SEC. 4403. AUTHORIZATION OF APPROPRIATIONS FOR FOR-**
19 **EIGN TREATMENT CENTERS FOR VICTIMS OF**
20 **TORTURE.**

21 Section 4(b)(1) of the Torture Victims Relief Act of
22 1998 (22 U.S.C. 2152 note) is amended to read as follows:

23 “(1) AUTHORIZATION OF APPROPRIATIONS.—Of
24 the amounts authorized to be appropriated for fiscal
25 years 2008 and 2009 pursuant to chapter 1 of part

1 I of the Foreign Assistance Act of 1961 (22 U.S.C.
 2 2151 et seq.), there are authorized to be appro-
 3 priated to the President to carry out section 130 of
 4 such Act \$12,000,000 for each of the fiscal years
 5 2008 and 2009.”.

6 **SEC. 4404. AUTHORIZATION OF APPROPRIATIONS FOR THE**
 7 **UNITED STATES CONTRIBUTION TO THE**
 8 **UNITED NATIONS VOLUNTARY FUND FOR**
 9 **VICTIMS OF TORTURE.**

10 Section 6(a) of the Torture Victims Relief Act of
 11 1998 (22 U.S.C. 2152 note) is amended to read as follows:

12 “(a) FUNDING.—Of the amounts authorized to be ap-
 13 propriated for fiscal years 2008 and 2009 pursuant to
 14 chapter 3 of part I of the Foreign Assistance Act of 1961
 15 (22 U.S.C. 2221 et seq.), there are authorized to be appro-
 16 priated to the President for a voluntary contribution to
 17 the United Nations Voluntary Fund for Victims of Tor-
 18 ture \$12,000,000 for each of the fiscal years 2008 and
 19 2009.”.

20 **Subtitle F—Support for the Mu-**
 21 **seum of the History of Polish**
 22 **Jews Act of 2008**

23 **SEC. 4501. SHORT TITLE.**

24 This subtitle may be cited as the “Support for the
 25 Museum of the History of Polish Jews Act of 2008”.

1 **SEC. 4502. FINDINGS.**

2 Congress finds the following:

3 (1) Current and future generations benefit
4 greatly by visible reminders and documentation of
5 the historical and cultural roots of their society.

6 (2) It is in the national interest of the United
7 States to encourage the preservation and protection
8 of artifacts associated with the heritage of United
9 States citizens who trace their forbearers to other
10 countries and to encourage the collection and dis-
11 semination of knowledge about that heritage.

12 (3) According to the 2000 United States Cen-
13 sus, nearly 9,000,000 Americans are of Polish an-
14 cestry.

15 (4) At the beginning of World War II, Poland
16 had the largest Jewish population in Europe.

17 (5) In 1996, Yeshayahu Weinberg, a founding
18 director of Tel Aviv's Diaspora Museum and the
19 United States Holocaust Memorial Museum, created
20 an international team of experts with the goal of es-
21 tablishing a Museum of the History of Polish Jews.

22 (6) The Museum of the History of Polish Jews
23 will preserve and present the history of the Jewish
24 people in Poland and the wealth of their culture
25 spanning a period of 1,000 years.

1 (7) In 1997, the City of Warsaw donated a par-
2 cel of land, opposite the Warsaw Ghetto Uprising
3 Memorial, for the explicit use for the Museum of the
4 History of Polish Jews.

5 (8) In 2005, the Government of Poland and the
6 City of Warsaw agreed to provide 40,000,000 Polish
7 zlotys for the construction of the Museum of the
8 History of Polish Jews.

9 (9) In 2005, an international architectural com-
10 petition selected a Finnish firm to design the build-
11 ing for the Museum of the History of Polish Jews.

12 (10) In 2006, the building for the Museum of
13 the History of Polish Jews moved into the last phase
14 of project design.

15 **SEC. 4503. ASSISTANCE FOR THE MUSEUM OF THE HISTORY**
16 **OF POLISH JEWS.**

17 (a) **AUTHORITY.**—The Secretary of State is author-
18 ized to provide not more than \$5,000,000 in assistance,
19 on such terms and conditions as the Secretary may speci-
20 fy, to fund the establishment of, and maintain the perma-
21 nent collection of, the Museum of the History of Polish
22 Jews.

23 (b) **EXPIRATION.**—The authority under subsection
24 (a) shall expire on October 1, 2010.

1 **TITLE V—COMMERCE, SCIENCE,**
2 **AND TRANSPORTATION PRO-**
3 **VISIONS**

4 **Subtitle A—Communications**

5 **PART I—BROADBAND DATA IMPROVEMENT ACT**

6 **SEC. 5101. SHORT TITLE.**

7 This part may be cited as the “Broadband Data Im-
8 provement Act”.

9 **SEC. 5102. FINDINGS.**

10 The Congress finds the following:

11 (1) The deployment and adoption of broadband
12 technology has resulted in enhanced economic devel-
13 opment and public safety for communities across the
14 Nation, improved health care and educational oppor-
15 tunities, and a better quality of life for all Ameri-
16 cans.

17 (2) Continued progress in the deployment and
18 adoption of broadband technology is vital to ensur-
19 ing that our Nation remains competitive and con-
20 tinues to create business and job growth.

21 (3) Improving Federal data on the deployment
22 and adoption of broadband service will assist in the
23 development of broadband technology across all re-
24 gions of the Nation.

1 (4) The Federal Government should also recog-
2 nize and encourage complementary State efforts to
3 improve the quality and usefulness of broadband
4 data and should encourage and support the partner-
5 ship of the public and private sectors in the contin-
6 ued growth of broadband services and information
7 technology for the residents and businesses of the
8 Nation.

9 **SEC. 5103. IMPROVING FEDERAL DATA ON BROADBAND.**

10 (a) IMPROVING SECTION 706 INQUIRY.—Section 706
11 of the Telecommunications Act of 1996 (47 U.S.C. 157
12 note) is amended—

13 (1) by striking “regularly” in subsection (b)
14 and inserting “annually”;

15 (2) by redesignating subsection (c) as sub-
16 section (d); and

17 (3) by inserting after subsection (b) the fol-
18 lowing:

19 “(c) DEMOGRAPHIC INFORMATION FOR UNSERVED
20 AREAS.—As part of the inquiry required by subsection (b),
21 the Commission shall compile a list of geographical areas
22 that are not served by any provider of advanced tele-
23 communications capability (as defined by section
24 706(c)(1) of the Telecommunications Act of 1996 (47
25 U.S.C. 157 note)) and to the extent that data from the

1 Census Bureau is available, determine, for each such
2 unserved area—

3 “(1) the population;

4 “(2) the population density; and

5 “(3) the average per capita income.”.

6 (b) INTERNATIONAL COMPARISON.—

7 (1) IN GENERAL.—As part of the assessment
8 and report required by section 706 of the Tele-
9 communications Act of 1996 (47 U.S.C. 157 note),
10 the Federal Communications Commission shall in-
11 clude information comparing the extent of
12 broadband service capability (including data trans-
13 mission speeds and price for broadband service capa-
14 bility) in a total of 75 communities in at least 25
15 countries abroad for each of the data rate bench-
16 marks for broadband service utilized by the Commis-
17 sion to reflect different speed tiers.

18 (2) CONTENTS.—The Commission shall choose
19 communities for the comparison under this sub-
20 section in a manner that will offer, to the extent
21 possible, communities of a population size, popu-
22 lation density, topography, and demographic profile
23 that are comparable to the population size, popu-
24 lation density, topography, and demographic profile
25 of various communities within the United States.

1 The Commission shall include in the comparison
2 under this subsection—

3 (A) a geographically diverse selection of
4 countries; and

5 (B) communities including the capital cit-
6 ies of such countries.

7 (3) SIMILARITIES AND DIFFERENCES.—The
8 Commission shall identify relevant similarities and
9 differences in each community, including their mar-
10 ket structures, the number of competitors, the num-
11 ber of facilities-based providers, the types of tech-
12 nologies deployed by such providers, the applications
13 and services those technologies enable, the regu-
14 latory model under which broadband service capa-
15 bility is provided, the types of applications and serv-
16 ices used, business and residential use of such serv-
17 ices, and other media available to consumers.

18 (c) CONSUMER SURVEY OF BROADBAND SERVICE
19 CAPABILITY.—

20 (1) IN GENERAL.—For the purpose of evalu-
21 ating, on a statistically significant basis, the national
22 characteristics of the use of broadband service capa-
23 bility, the Commission shall conduct and make pub-
24 lic periodic surveys of consumers in urban, subur-
25 ban, and rural areas in the large business, small

1 business, and residential consumer markets to deter-
2 mine—

3 (A) the types of technology used to provide
4 the broadband service capability to which con-
5 sumers subscribe;

6 (B) the amounts consumers pay per month
7 for such capability;

8 (C) the actual data transmission speeds of
9 such capability;

10 (D) the types of applications and services
11 consumers most frequently use in conjunction
12 with such capability;

13 (E) for consumers who have declined to
14 subscribe to broadband service capability, the
15 reasons given by such consumers for declining
16 such capability;

17 (F) other sources of broadband service ca-
18 pability which consumers regularly use or on
19 which they rely; and

20 (G) any other information the Commission
21 deems appropriate for such purpose.

22 (2) PUBLIC AVAILABILITY.—The Commission
23 shall make publicly available the results of surveys
24 conducted under this subsection at least once per
25 year.

1 (d) IMPROVING CENSUS DATA ON BROADBAND.—
2 The Secretary of Commerce, in consultation with the Fed-
3 eral Communications Commission, shall expand the Amer-
4 ican Community Survey conducted by the Bureau of the
5 Census to elicit information for residential households, in-
6 cluding those located on native lands, to determine wheth-
7 er persons at such households own or use a computer at
8 that address, whether persons at that address subscribe
9 to Internet service and, if so, whether such persons sub-
10 scribe to dial-up or broadband Internet service at that ad-
11 dress.

12 (e) PROPRIETARY INFORMATION.—Nothing in this
13 part shall reduce or remove any obligation the Commission
14 has to protect proprietary information, nor shall this part
15 be construed to compel the Commission to make publicly
16 available any proprietary information.

17 **SEC. 5104. STUDY ON ADDITIONAL BROADBAND METRICS**
18 **AND STANDARDS.**

19 (a) IN GENERAL.—The Comptroller General shall
20 conduct a study to consider and evaluate additional
21 broadband metrics or standards that may be used by in-
22 dustry and the Federal Government to provide users with
23 more accurate information about the cost and capability
24 of their broadband connection, and to better compare the
25 deployment and penetration of broadband in the United

1 States with other countries. At a minimum, such study
2 shall consider potential standards or metrics that may be
3 used—

4 (1) to calculate the average price per megabit
5 per second of broadband offerings;

6 (2) to reflect the average actual speed of
7 broadband offerings compared to advertised poten-
8 tial speeds and to consider factors affecting speed
9 that may be outside the control of a broadband pro-
10 vider;

11 (3) to compare, using comparable metrics and
12 standards, the availability and quality of broadband
13 offerings in the United States with the availability
14 and quality of broadband offerings in other industri-
15 alized nations, including countries that are members
16 of the Organization for Economic Cooperation and
17 Development; and

18 (4) to distinguish between complementary and
19 substitutable broadband offerings in evaluating de-
20 ployment and penetration.

21 (b) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Comptroller General shall
23 submit a report to the Senate Committee on Commerce,
24 Science, and Transportation and the House of Represent-
25 atives Committee on Energy and Commerce on the results

1 of the study, with recommendations for how industry and
2 the Federal Communications Commission can use such
3 metrics and comparisons to improve the quality of
4 broadband data and to better evaluate the deployment and
5 penetration of comparable broadband service at com-
6 parable rates across all regions of the Nation.

7 **SEC. 5105. STUDY ON THE IMPACT OF BROADBAND SPEED**
8 **AND PRICE ON SMALL BUSINESSES.**

9 (a) IN GENERAL.—The Small Business Administra-
10 tion Office of Advocacy shall conduct a study evaluating
11 the impact of broadband speed and price on small busi-
12 nesses.

13 (b) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Office shall submit a report
15 to the Senate Committee on Commerce, Science, and
16 Transportation, the Senate Committee on Small Business
17 and Entrepreneurship, the House of Representatives Com-
18 mittee on Energy and Commerce, and the House of Rep-
19 resentatives Committee on Small Business on the results
20 of the study, including—

- 21 (1) a survey of broadband speeds available to
22 small businesses;
- 23 (2) a survey of the cost of broadband speeds
24 available to small businesses;

1 (3) a survey of the type of broadband tech-
2 nology used by small businesses; and

3 (4) any policy recommendations that may im-
4 prove small businesses access to comparable
5 broadband services at comparable rates in all regions
6 of the Nation.

7 **SEC. 5106. ENCOURAGING STATE INITIATIVES TO IMPROVE**
8 **BROADBAND.**

9 (a) PURPOSES.—The purposes of any grant under
10 subsection (b) are—

11 (1) to ensure that all citizens and businesses in
12 a State have access to affordable and reliable
13 broadband service;

14 (2) to achieve improved technology literacy, in-
15 creased computer ownership, and broadband use
16 among such citizens and businesses;

17 (3) to establish and empower local grassroots
18 technology teams in each State to plan for improved
19 technology use across multiple community sectors;
20 and

21 (4) to establish and sustain an environment
22 ripe for broadband services and information tech-
23 nology investment.

24 (b) ESTABLISHMENT OF STATE BROADBAND DATA
25 AND DEVELOPMENT GRANT PROGRAM.—

1 (1) IN GENERAL.—The Secretary of Commerce
2 shall award grants, taking into account the results
3 of the peer review process under subsection (d), to
4 eligible entities for the development and implementa-
5 tion of statewide initiatives to identify and track the
6 availability and adoption of broadband services with-
7 in each State.

8 (2) COMPETITIVE BASIS.—Any grant under
9 subsection (b) shall be awarded on a competitive
10 basis.

11 (c) ELIGIBILITY.—To be eligible to receive a grant
12 under subsection (b), an eligible entity shall—

13 (1) submit an application to the Secretary of
14 Commerce, at such time, in such manner, and con-
15 taining such information as the Secretary may re-
16 quire;

17 (2) contribute matching non-Federal funds in
18 an amount equal to not less than 20 percent of the
19 total amount of the grant; and

20 (3) agree to comply with confidentiality require-
21 ments in subsection (h)(2) of this section.

22 (d) PEER REVIEW; NONDISCLOSURE.—

23 (1) IN GENERAL.—The Secretary shall by regu-
24 lation require appropriate technical and scientific

1 peer review of applications made for grants under
2 this section.

3 (2) REVIEW PROCEDURES.—The regulations re-
4 quired under paragraph (1) shall require that any
5 technical and scientific peer review group—

6 (A) be provided a written description of
7 the grant to be reviewed;

8 (B) provide the results of any review by
9 such group to the Secretary of Commerce; and

10 (C) certify that such group will enter into
11 voluntary nondisclosure agreements as nec-
12 essary to prevent the unauthorized disclosure of
13 confidential and proprietary information pro-
14 vided by broadband service providers in connec-
15 tion with projects funded by any such grant.

16 (e) USE OF FUNDS.—A grant awarded to an eligible
17 entity under subsection (b) shall be used—

18 (1) to provide a baseline assessment of
19 broadband service deployment in each State;

20 (2) to identify and track—

21 (A) areas in each State that have low lev-
22 els of broadband service deployment;

23 (B) the rate at which residential and busi-
24 ness users adopt broadband service and other
25 related information technology services; and

1 (C) possible suppliers of such services;

2 (3) to identify barriers to the adoption by indi-
3 viduals and businesses of broadband service and re-
4 lated information technology services, including
5 whether or not—

6 (A) the demand for such services is absent;

7 and

8 (B) the supply for such services is capable
9 of meeting the demand for such services;

10 (4) to identify the speeds of broadband connec-
11 tions made available to individuals and businesses
12 within the State, and, at a minimum, to rely on the
13 data rate benchmarks for broadband service utilized
14 by the Commission to reflect different speed tiers, to
15 promote greater consistency of data among the
16 States;

17 (5) to create and facilitate in each county or
18 designated region in a State a local technology plan-
19 ning team—

20 (A) with members representing a cross sec-
21 tion of the community, including representatives
22 of business, telecommunications labor organiza-
23 tions, K–12 education, health care, libraries,
24 higher education, community-based organiza-

tions, local government, tourism, parks and recreation, and agriculture; and

(B) which shall—

(i) benchmark technology use across relevant community sectors;

(ii) set goals for improved technology use within each sector; and

(iii) develop a tactical business plan for achieving its goals, with specific recommendations for online application development and demand creation;

(6) to work collaboratively with broadband service providers and information technology companies to encourage deployment and use, especially in unserved areas and areas in which broadband penetration is significantly below the national average, through the use of local demand aggregation, mapping analysis, and the creation of market intelligence to improve the business case for providers to deploy;

(7) to establish programs to improve computer ownership and Internet access for unserved areas and areas in which broadband penetration is significantly below the national average;

1 (8) to collect and analyze detailed market data
2 concerning the use and demand for broadband serv-
3 ice and related information technology services;

4 (9) to facilitate information exchange regarding
5 the use and demand for broadband services between
6 public and private sectors; and

7 (10) to create within each State a geographic
8 inventory map of broadband service, including the
9 data rate benchmarks for broadband service utilized
10 by the Commission to reflect different speed tiers,
11 which shall—

12 (A) identify gaps in such service through a
13 method of geographic information system map-
14 ping of service availability based on the geo-
15 graphic boundaries of where service is available
16 or unavailable among residential or business
17 customers; and

18 (B) provide a baseline assessment of state-
19 wide broadband deployment in terms of house-
20 holds with high-speed availability.

21 (f) PARTICIPATION LIMIT.—For each State, an eligi-
22 ble entity may not receive a new grant under this section
23 to fund the activities described in subsection (d) within
24 such State if such organization obtained prior grant

1 awards under this section to fund the same activities in
2 that State in each of the previous 4 consecutive years.

3 (g) REPORTING; BROADBAND INVENTORY MAP.—

4 The Secretary of Commerce shall—

5 (1) require each recipient of a grant under sub-
6 section (b) to submit a report on the use of the
7 funds provided by the grant; and

8 (2) create a web page on the Department of
9 Commerce website that aggregates relevant informa-
10 tion made available to the public by grant recipients,
11 including, where appropriate, hypertext links to any
12 geographic inventory maps created by grant recipi-
13 ents under subsection (e)(10).

14 (h) ACCESS TO AGGREGATE DATA.—

15 (1) IN GENERAL.—Subject to paragraph (2),
16 the Commission shall provide eligible entities access,
17 in electronic form, to aggregate data collected by the
18 Commission based on the Form 477 submissions of
19 broadband service providers.

20 (2) LIMITATION.—Notwithstanding any provi-
21 sion of Federal or State law to the contrary, an eli-
22 gible entity shall treat any matter that is a trade se-
23 cret, commercial or financial information, or privi-
24 leged or confidential, as a record not subject to pub-
25 lic disclosure except as otherwise mutually agreed to

1 by the broadband service provider and the eligible
2 entity. This paragraph applies only to information
3 submitted by the Commission or a broadband pro-
4 vider to carry out the provisions of this part and
5 shall not otherwise limit or affect the rules gov-
6 erning public disclosure of information collected by
7 any Federal or State entity under any other Federal
8 or State law or regulation.

9 (i) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Communications Commission.

12 (2) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means—

14 (A) an entity that is either—

15 (i) an agency or instrumentality of a
16 State, or a municipality or other subdivi-
17 sion (or agency or instrumentality of a mu-
18 nicipality or other subdivision) of a State;

19 (ii) a nonprofit organization that is
20 described in section 501(c)(3) of the Inter-
21 nal Revenue Code of 1986 and that is ex-
22 empt from taxation under section 501(a)
23 of such Code; or

1 (iii) an independent agency or com-
 2 mission in which an office of a State is a
 3 member on behalf of the State; and

4 (B) is the single eligible entity in the State
 5 that has been designated by the State to receive
 6 a grant under this section.

7 (j) AUTHORIZATION OF APPROPRIATIONS.—There
 8 are authorized to be appropriated to carry out this section
 9 \$40,000,000 for each of fiscal years 2008 through 2012.

10 (k) NO REGULATORY AUTHORITY.—Nothing in this
 11 section shall be construed as giving any public or private
 12 entity established or affected by this part any regulatory
 13 jurisdiction or oversight authority over providers of
 14 broadband services or information technology.

15 **PART II—TRAINING FOR REALTIME WRITERS**

16 **ACT OF 2007**

17 **SEC. 5111. SHORT TITLE.**

18 This part may be cited as the “Training for Realtime
 19 Writers Act of 2007”.

20 **SEC. 5112. FINDINGS.**

21 Congress makes the following findings:

22 (1) As directed by Congress in section 713 of
 23 the Communications Act of 1934 (47 U.S.C. 613),
 24 as added by section 305 of the Telecommunications
 25 Act of 1996 (Public Law 104–104; 110 Stat. 126),

1 the Federal Communications Commission began en-
2 forcing rules requiring full closed captioning of most
3 English television programming on January 1, 2006.

4 (2) The Federal Communications Commission
5 rules also require that video programming be fully
6 captioned in Spanish by 2010.

7 (3) More than 30,000,000 Americans are con-
8 sidered deaf or hard of hearing, and many require
9 captioning services to participate in mainstream ac-
10 tivities.

11 (4) The National Institute on Deafness and
12 other Communication Disorders estimates that 1 in
13 3 Americans over the age of 60 has already experi-
14 enced hearing loss. The 79,000,000 Americans who
15 are identified as “baby boomers” represent 39 per-
16 cent of the population of the United States and most
17 baby boomers began to reach age 60 just in the last
18 few years.

19 (5) Closed captioning is a continuous source of
20 emergency information for people in mass transit
21 and other congregate settings.

22 (6) Empirical research studies since 1988 dem-
23 onstrate that captions improve the performance of
24 individuals learning to read English.

1 **SEC. 5113. AUTHORIZATION OF GRANT PROGRAM TO PRO-**
2 **MOTE TRAINING AND JOB PLACEMENT OF**
3 **REALTIME WRITERS.**

4 (a) IN GENERAL.—The Assistant Secretary for Infor-
5 mation and Communications of the Department of Com-
6 merce shall make competitive grants to eligible entities
7 under subsection (b) to promote training and placement
8 of individuals, including individuals who have completed
9 a court reporting training program, as realtime writers in
10 order to meet the requirements for closed captioning of
11 video programming set forth in section 713 of the Commu-
12 nications Act of 1934 (47 U.S.C. 613) and the rules pre-
13 scribed thereunder.

14 (b) ELIGIBLE ENTITIES.—For purposes of this part,
15 an eligible entity is a court reporting program that—

16 (1) can document and demonstrate to the As-
17 sistant Secretary that it meets minimum standards
18 of educational and financial accountability, with a
19 curriculum capable of training realtime writers
20 qualified to provide captioning services;

21 (2) is accredited by an accrediting agency rec-
22 ognized by the Department of Education; and

23 (3) is participating in student aid programs
24 under title IV of the Higher Education Act of 1965.

25 (c) PRIORITY IN GRANTS.—In determining whether
26 to make grants under this section, the Assistant Secretary

1 shall give a priority to eligible entities that, as determined
2 by the Assistant Secretary—

3 (1) possess the most substantial capability to
4 increase their capacity to train realtime writers;

5 (2) demonstrate the most promising collabora-
6 tion with local educational institutions, businesses,
7 labor organizations, or other community groups hav-
8 ing the potential to train or provide job placement
9 assistance to realtime writers; or

10 (3) propose the most promising and innovative
11 approaches for initiating or expanding training or
12 job placement assistance efforts with respect to
13 realtime writers.

14 (d) DURATION OF GRANT.—A grant under this sec-
15 tion shall be for a period of 2 years.

16 (e) MAXIMUM AMOUNT OF GRANT.—The amount of
17 a grant provided under subsection (a) to an entity eligible
18 may not exceed \$1,500,000 for the 2-year period of the
19 grant under subsection (d).

20 **SEC. 5114. APPLICATION.**

21 (a) IN GENERAL.—To receive a grant under section
22 5113, an eligible entity shall submit an application to the
23 Assistant Secretary at such time and in such manner as
24 the Assistant Secretary may require. The application shall
25 contain the information set forth under subsection (b).

1 (b) INFORMATION.—Information in the application of
2 an eligible entity under subsection (a) for a grant under
3 section 5113 shall include the following:

4 (1) A description of the training and assistance
5 to be funded using the grant amount, including how
6 such training and assistance will increase the num-
7 ber of realtime writers.

8 (2) A description of performance measures to
9 be utilized to evaluate the progress of individuals re-
10 ceiving such training and assistance in matters relat-
11 ing to enrollment, completion of training, and job
12 placement and retention.

13 (3) A description of the manner in which the el-
14 igible entity will ensure that recipients of scholar-
15 ships, if any, funded by the grant will be employed
16 and retained as realtime writers.

17 (4) A description of the manner in which the el-
18 igible entity intends to continue providing the train-
19 ing and assistance to be funded by the grant after
20 the end of the grant period, including any partner-
21 ships or arrangements established for that purpose.

22 (5) A description of how the eligible entity will
23 work with local workforce investment boards to en-
24 sure that training and assistance to be funded with
25 the grant will further local workforce goals, includ-

1 ing the creation of educational opportunities for in-
2 dividuals who are from economically disadvantaged
3 backgrounds or are displaced workers.

4 (6) Additional information, if any, of the eligi-
5 bility of the eligible entity for priority in the making
6 of grants under section 5113(c).

7 (7) Such other information as the Assistant
8 Secretary may require.

9 **SEC. 5115. USE OF FUNDS.**

10 (a) IN GENERAL.—An eligible entity receiving a
11 grant under section 5113 shall use the grant amount for
12 purposes relating to the recruitment, training and assist-
13 ance, and job placement of individuals, including individ-
14 uals who have completed a court reporting training pro-
15 gram, as realtime writers, including—

16 (1) recruitment;

17 (2) subject to subsection (b), the provision of
18 scholarships;

19 (3) distance learning;

20 (4) further developing and implementing both
21 English and Spanish curriculum to more effectively
22 train realtime writing skills, and education in the
23 knowledge necessary for the delivery of high-quality
24 closed captioning services;

1 (5) mentoring students to ensure successful
2 completion of the realtime training and provide as-
3 sistance in job placement;

4 (6) encouraging individuals with disabilities to
5 pursue a career in realtime writing; and

6 (7) the employment and payment of personnel
7 for all such purposes.

8 (b) SCHOLARSHIPS.—

9 (1) AMOUNT.—The amount of a scholarship
10 under subsection (a)(2) shall be based on the
11 amount of need of the recipient of the scholarship
12 for financial assistance, as determined in accordance
13 with part F of title IV of the Higher Education Act
14 of 1965 (20 U.S.C. 1087kk).

15 (2) AGREEMENT.—Each recipient of a scholar-
16 ship under subsection (a)(2) shall enter into an
17 agreement with the school in which the recipient is
18 enrolled to provide realtime writing services for a pe-
19 riod of time appropriate (as determined by the As-
20 sistant Secretary or the Assistant Secretary's des-
21 ignee) for the amount of the scholarship received.

22 (3) COURSEWORK AND EMPLOYMENT.—The As-
23 sistant Secretary or the Assistant Secretary's des-
24 ignee shall establish requirements for coursework
25 and employment for recipients of scholarships under

1 subsection (a)(2), including requirements for repay-
2 ment of scholarship amounts in the event of failure
3 to meet such requirements for coursework and em-
4 ployment or other material terms under subsection
5 (b)(2). Requirements for repayment of scholarship
6 amounts shall take into account the effect of eco-
7 nomic conditions on the capacity of scholarship re-
8 cipients to find work as realtime writers.

9 (c) ADMINISTRATIVE COSTS.—The recipient of a
10 grant under section 5113 may not use more than 5 per-
11 cent of the grant amount to pay administrative costs asso-
12 ciated with activities funded by the grant. The Assistant
13 Secretary shall use not more than 5 percent of the amount
14 available for grants under this part in any fiscal year for
15 administrative costs of the program.

16 (d) SUPPLEMENT NOT SUPPLANT.—Grants amounts
17 under this part shall supplement and not supplant other
18 Federal or non-Federal funds of the grant recipient for
19 purposes of promoting the training and placement of indi-
20 viduals as realtime writers.

21 **SEC. 5116. REPORTS.**

22 (a) ANNUAL REPORTS.—Each eligible entity receiv-
23 ing a grant under section 5113 shall submit to the Assist-
24 ant Secretary, at the end of each year of the grant period,

1 a report on the activities of such entity with respect to
2 the use of grant amounts during such year.

3 (b) REPORT INFORMATION.—

4 (1) IN GENERAL.—Each report of an entity for
5 a year under subsection (a) shall include a descrip-
6 tion of the use of grant amounts by the entity dur-
7 ing such year, including an assessment by the entity
8 of the effectiveness of activities carried out using
9 such funds in increasing the number of realtime
10 writers. The assessment shall utilize the performance
11 measures submitted by the entity in the application
12 for the grant under section 5114(b).

13 (2) FINAL REPORT.—The final report of an en-
14 tity on a grant under subsection (a) shall include a
15 description of the best practices identified by the en-
16 tity as a result of the grant for increasing the num-
17 ber of individuals who are trained, employed, and re-
18 tained in employment as realtime writers.

19 (c) ANNUAL REVIEW.—The Inspector General of the
20 Department of Commerce shall conduct an annual review
21 of the management, efficiency, and effectiveness of the
22 grants made under this part.

1 **SEC. 5117. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Sec-
3 retary of Commerce to carry out this part \$20,000,000
4 for each of fiscal years 2008, 2009, 2010, 2011, and 2012.

5 **SEC. 5118. SUNSET.**

6 This part is repealed 5 years after the date of the
7 enactment of this Act.

8 **Subtitle B—Oceans**

9 **PART I—HYDROGRAPHIC SERVICES**

10 **IMPROVEMENT ACT AMENDMENTS OF 2008**

11 **SEC. 5201. SHORT TITLE.**

12 This part may be cited as the “Hydrographic Services
13 Improvement Act Amendments of 2008”.

14 **SEC. 5202. DEFINITIONS.**

15 Section 303 of the Hydrographic Services Improve-
16 ment Act of 1998 (33 U.S.C. 892) is amended by striking
17 paragraphs (3), (4), and (5) and inserting the following:

18 “(3) HYDROGRAPHIC DATA.—The term ‘hydro-
19 graphic data’ means information that—

20 “(A) is acquired through—

21 “(i) hydrographic, bathymetric, photo-
22 grammetric, lidar, radar, remote sensing,
23 or shoreline and other ocean- and coastal-
24 related surveying;

25 “(ii) geodetic, geospatial, or geo-
26 magnetic measurements;

1 “(iii) tide, water level, and current ob-
2 servations; or

3 “(iv) other methods; and

4 “(B) is used in providing hydrographic
5 services.

6 “(4) HYDROGRAPHIC SERVICES.—The term ‘hy-
7 drographic services’ means——

8 “(A) the management, maintenance, inter-
9 pretation, certification, and dissemination of
10 bathymetric, hydrographic, shoreline, geodetic,
11 geospatial, geomagnetic, and tide, water level,
12 and current information, including the produc-
13 tion of nautical charts, nautical information
14 databases, and other products derived from hy-
15 drographic data;

16 “(B) the development of nautical informa-
17 tion systems; and

18 “(C) related activities.

19 “(5) COAST AND GEODETIC SURVEY ACT.—The
20 term ‘Coast and Geodetic Survey Act’ means the Act
21 entitled ‘An Act to define the functions and duties
22 of the Coast and Geodetic Survey, and for other pur-
23 poses’, approved August 6, 1947 (33 U.S.C. 883a et
24 seq.).’.

1 **SEC. 5203. FUNCTIONS OF THE ADMINISTRATOR.**

2 Section 303 of the Hydrographic Services Improve-
3 ment Act of 1998 (33 U.S.C. 892a) is amended—

4 (1) by striking “the Act of 1947,” in subsection
5 (a) and inserting “the Coast and Geodetic Survey
6 Act, promote safe, efficient and environmentally
7 sound marine transportation, and otherwise fulfill
8 the purposes of this Act,”;

9 (2) by striking “data;” in subsection (a)(1) and
10 inserting “data and provide hydrographic services;”
11 and

12 (3) by striking subsection (b) and inserting the
13 following:

14 “(b) **AUTHORITIES.**—To fulfill the data gathering
15 and dissemination duties of the Administration under the
16 Coast and Geodetic Survey Act, promote safe, efficient,
17 and environmentally sound marine transportation, and
18 otherwise fulfill the purposes of this Act, subject to the
19 availability of appropriations, the Administrator—

20 “(1) may procure, lease, evaluate, test, develop,
21 and operate vessels, equipment, and technologies
22 necessary to ensure safe navigation and maintain
23 operational expertise in hydrographic data acquisi-
24 tion and hydrographic services;

25 “(2) shall, subject to the availability of appro-
26 priations, design, install, maintain, and operate real-

1 time hydrographic monitoring systems to enhance
2 navigation safety and efficiency; and

3 “(3) where appropriate and to the extent that
4 it does not detract from the promotion of safe and
5 efficient navigation, may acquire hydrographic data
6 and provide hydrographic services to support the
7 conservation and management of coastal and ocean
8 resources;

9 “(4) where appropriate, may acquire hydro-
10 graphic data and provide hydrographic services to
11 save and protect life and property and support the
12 resumption of commerce in response to emergencies,
13 natural and man-made disasters, and homeland se-
14 curity and maritime domain awareness needs, in-
15 cluding obtaining mission assignments (as defined in
16 section 641 of the Post-Katrina Emergency Manage-
17 ment Reform Act of 2006 (6 U.S.C. 741));

18 “(5) may create, support, and maintain such
19 joint centers with other Federal agencies and other
20 entities as the Administrator deems appropriate or
21 necessary to carry out the purposes of this Act; and

22 “(6) notwithstanding the existence of such joint
23 centers, shall award contracts for the acquisition of
24 hydrographic data in accordance with subchapter VI
25 of chapter 10 of title 40, United States Code.”.

1 **SEC. 5204. HYDROGRAPHIC SERVICES REVIEW PANEL.**

2 Section 305(c)(1)(A) of the Hydrographic Services
3 Improvement Act of 1998 (33 U.S.C. 892c(c)(1)(A)) is
4 amended to read as follows: “(A) The panel shall consist
5 of 15 voting members who shall be appointed by the Ad-
6 ministrator. The Co-directors of the Center for Coastal
7 and Ocean Mapping/Joint Hydrographic Center and no
8 more than 2 employees of the National Oceanic and At-
9 mospheric Administration appointed by the Administrator
10 shall serve as nonvoting members of the panel. The voting
11 members of the panel shall be individuals who, by reason
12 of knowledge, experience, or training, are especially quali-
13 fied in 1 or more of the disciplines and fields relating to
14 hydrographic data and hydrographic services, marine
15 transportation, port administration, vessel pilotage, coast-
16 al and fishery management, and other disciplines as deter-
17 mined appropriate by the Administrator.”.

18 **SEC. 5205. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 306 of the Hydrographic Services Improve-
20 ment Act of 1998 (33 U.S.C. 892d) is amended to read
21 as follows:

22 **“SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to the Ad-
24 ministrator the following:

1 “(1) To carry out nautical mapping and chart-
2 ing functions under sections 304 and 305, except for
3 conducting hydrographic surveys—

4 “(A) \$55,000,000 for fiscal year 2009;

5 “(B) \$56,000,000 for fiscal year 2010;

6 “(C) \$57,000,000 for fiscal year 2011; and

7 “(D) \$58,000,000 for fiscal year 2012.

8 “(2) To contract for hydrographic surveys
9 under section 304(b)(1), including the leasing or
10 time chartering of vessels—

11 “(A) \$32,130,000 for fiscal year 2009;

12 “(B) \$32,760,000 for fiscal year 2010;

13 “(C) \$33,390,000 for fiscal year 2011; and

14 “(D) \$34,020,000 for fiscal year 2012.

15 “(3) To operate hydrographic survey vessels
16 owned by the United States and operated by the Ad-
17 ministration—

18 “(A) \$25,900,000 for fiscal year 2009;

19 “(B) \$26,400,000 for fiscal year 2010;

20 “(C) \$26,900,000 for fiscal year 2011; and

21 “(D) \$27,400,000 for fiscal year 2012.

22 “(4) To carry out geodetic functions under this
23 title—

24 “(A) \$32,640,000 for fiscal year 2009;

25 “(B) \$33,280,000 for fiscal year 2010;

1 “(C) \$33,920,000 for fiscal year 2011; and

2 “(D) \$34,560,000 for fiscal year 2012.

3 “(5) To carry out tide and current measure-
4 ment functions under this title—

5 “(A) \$27,000,000 for fiscal year 2009;

6 “(B) \$27,500,000 for fiscal year 2010;

7 “(C) \$28,000,000 for fiscal year 2011; and

8 “(D) \$28,500,000 for fiscal year 2012.

9 “(6) To acquire a replacement hydrographic
10 survey vessel capable of staying at sea continuously
11 for at least 30 days \$75,000,000.”.

12 **SEC. 5206. AUTHORIZED NOAA CORPS STRENGTH.**

13 Section 215 of the National Oceanic and Atmospheric
14 Administration Commissioned Officer Corps Act of 2002
15 (33 U.S.C. 3005) is amended to read as follows:

16 **“SEC. 215. NUMBER OF AUTHORIZED COMMISSIONED OFFI-
17 CERS.**

18 “Effective October 1, 2009, the total number of au-
19 thorized commissioned officers on the lineal list of the
20 commissioned corps of the National Oceanic and Atmos-
21 pheric Administration shall be increased from 321 to 379
22 if—

23 “(1) the Secretary has submitted to the Con-
24 gress—

1 “(A) the Administration’s ship recapital-
2 ization plan for fiscal years 2010 through 2024;

3 “(B) the Administration’s aircraft remod-
4 ernization plan; and

5 “(C) supporting workforce management
6 plans;

7 “(2) appropriated funding is available; and

8 “(3) the Secretary has justified organizational
9 needs for the commissioned corps for each such fis-
10 cal year.”

11 **PART II—OCEAN EXPLORATION**

12 **Subpart A—Exploration**

13 **SEC. 5211. PURPOSE.**

14 The purpose of this subpart is to establish the na-
15 tional ocean exploration program and the national under-
16 sea research program within the National Oceanic and At-
17 mospheric Administration.

18 **SEC. 5212. PROGRAM ESTABLISHED.**

19 The Administrator or the National Oceanic and At-
20 mospheric Administration shall, in consultation with the
21 National Science Foundation and other appropriate Fed-
22 eral agencies, establish a coordinated national ocean explo-
23 ration program within the National Oceanic and Atmos-
24 pheric Administration that promotes collaboration with
25 other Federal ocean and undersea research and explo-

1 ration programs. To the extent appropriate, the Adminis-
2 trator shall seek to facilitate coordination of data and in-
3 formation management systems, outreach and education
4 programs to improve public understanding of ocean and
5 coastal resources, and development and transfer of tech-
6 nologies to facilitate ocean and undersea research and ex-
7 ploration.

8 **SEC. 5213. POWERS AND DUTIES OF THE ADMINISTRATOR.**

9 (a) IN GENERAL.—In carrying out the program au-
10 thorized by section 5212, the Administrator of the Na-
11 tional Oceanic and Atmospheric Administration shall—

12 (1) conduct interdisciplinary voyages or other
13 scientific activities in conjunction with other Federal
14 agencies or academic or educational institutions, to
15 explore and survey little known areas of the marine
16 environment, inventory, observe, and assess living
17 and nonliving marine resources, and report such
18 findings;

19 (2) give priority attention to deep ocean re-
20 gions, with a focus on deep water marine systems
21 that hold potential for important scientific discov-
22 eries, such as hydrothermal vent communities and
23 seamounts;

24 (3) conduct scientific voyages to locate, define,
25 and document historic shipwrecks, submerged sites,

1 and other ocean exploration activities that combine
2 archaeology and oceanographic sciences;

3 (4) develop and implement, in consultation with
4 the National Science Foundation, a transparent,
5 competitive process for merit-based peer-review and
6 approval of proposals for activities to be conducted
7 under this program, taking into consideration advice
8 of the Board established under section 5215;

9 (5) enhance the technical capability of the
10 United States marine science community by pro-
11 moting the development of improved oceanographic
12 research, communication, navigation, and data col-
13 lection systems, as well as underwater platforms and
14 sensor and autonomous vehicles; and

15 (6) establish an ocean exploration forum to en-
16 courage partnerships and promote communication
17 among experts and other stakeholders in order to
18 enhance the scientific and technical expertise and
19 relevance of the national program.

20 (b) DONATIONS.—The Administrator may accept do-
21 nations of property, data, and equipment to be applied for
22 the purpose of exploring the oceans or increasing knowl-
23 edge of the oceans.

1 **SEC. 5214. OCEAN EXPLORATION AND UNDERSEA RE-**
2 **SEARCH TECHNOLOGY AND INFRASTRUC-**
3 **TURE TASK FORCE.**

4 (a) IN GENERAL.—The Administrator of the Na-
5 tional Oceanic and Atmospheric Administration, in coordi-
6 nation with the National Science Foundation, the National
7 Aeronautics and Space Administration, the United States
8 Geological Survey, the Department of the Navy, the Min-
9 eral Management Service, and relevant governmental,
10 non-governmental, academic, industry, and other experts,
11 shall convene an ocean exploration and undersea research
12 technology and infrastructure task force to develop and
13 implement a strategy—

14 (1) to facilitate transfer of new exploration and
15 undersea research technology to the programs au-
16 thorized under this subpart and subpart B of this
17 part;

18 (2) to improve availability of communications
19 infrastructure, including satellite capabilities, to
20 such programs;

21 (3) to develop an integrated, workable, and
22 comprehensive data management information proc-
23 essing system that will make information on unique
24 and significant features obtained by such programs
25 available for research and management purposes;

1 (4) to conduct public outreach activities that
2 improve the public understanding of ocean science,
3 resources, and processes, in conjunction with rel-
4 evant programs of the National Oceanic and Atmos-
5 pheric Administration, the National Science Founda-
6 tion, and other agencies; and

7 (5) to encourage cost-sharing partnerships with
8 governmental and nongovernmental entities that will
9 assist in transferring exploration and undersea re-
10 search technology and technical expertise to the pro-
11 grams.

12 (b) BUDGET COORDINATION.—The task force shall
13 coordinate the development of agency budgets and identify
14 the items in their annual budget that support the activities
15 identified in the strategy developed under subsection (a).

16 **SEC. 5215. OCEAN EXPLORATION ADVISORY BOARD.**

17 (a) ESTABLISHMENT.—The Administrator of the Na-
18 tional Oceanic and Atmospheric Administration shall ap-
19 point an Ocean Exploration Advisory Board composed of
20 experts in relevant fields—

21 (1) to advise the Administrator on priority
22 areas for survey and discovery;

23 (2) to assist the program in the development of
24 a 5-year strategic plan for the fields of ocean, ma-

1 rine, and Great Lakes science, exploration, and dis-
 2 covery;

3 (3) to annually review the quality and effective-
 4 ness of the proposal review process established under
 5 section 5213(a)(4); and

6 (4) to provide other assistance and advice as re-
 7 quested by the Administrator.

8 (b) FEDERAL ADVISORY COMMITTEE ACT.—Section
 9 14 of the Federal Advisory Committee Act (5 U.S.C.
 10 App.) shall not apply to the Board appointed under sub-
 11 section (a).

12 (c) APPLICATION WITH OUTER CONTINENTAL
 13 SHELF LANDS ACT.—Nothing in subpart supersedes, or
 14 limits the authority of the Secretary of the Interior under
 15 the Outer Continental Shelf Lands Act (43 U.S.C. 1331
 16 et seq.).

17 **SEC. 5216. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Na-
 19 tional Oceanic and Atmospheric Administration to carry
 20 out this subpart—

21 (1) \$33,550,000 for fiscal year 2009;

22 (2) \$36,905,000 for fiscal year 2010;

23 (3) \$40,596,000 for fiscal year 2011;

24 (4) \$44,655,000 for fiscal year 2012;

25 (5) \$49,121,000 for fiscal year 2013;

1 (6) \$54,033,000 for fiscal year 2014; and

2 (7) \$59,436,000 for fiscal year 2015.

3 **Subpart B—NOAA Undersea Research Program Act**
4 **of 2008**

5 **SEC. 5221. SHORT TITLE.**

6 This subpart may be cited as the “NOAA Undersea
7 Research Program Act of 2008”.

8 **SEC. 5222. PROGRAM ESTABLISHED.**

9 (a) IN GENERAL.—The Administrator of the Na-
10 tional Oceanic and Atmospheric Administration shall es-
11 tablish and maintain an undersea research program and
12 shall designate a Director of that program.

13 (b) PURPOSE.—The purpose of the program is to in-
14 crease scientific knowledge essential for the informed man-
15 agement, use, and preservation of oceanic, marine, and
16 coastal areas and the Great Lakes.

17 **SEC. 5223. POWERS OF PROGRAM DIRECTOR.**

18 The Director of the program, in carrying out the pro-
19 gram, shall—

20 (1) cooperate with institutions of higher edu-
21 cation and other educational marine and ocean
22 science organizations, and shall make available un-
23 dersea research facilities, equipment, technologies,
24 information, and expertise to support undersea re-
25 search efforts by these organizations;

1 (2) enter into partnerships, as appropriate and
2 using existing authorities, with the private sector to
3 achieve the goals of the program and to promote
4 technological advancement of the marine industry;
5 and

6 (3) coordinate the development of agency budg-
7 ets and identify the items in their annual budget
8 that support the activities described in paragraphs
9 (1) and (2).

10 **SEC. 5224. ADMINISTRATIVE STRUCTURE.**

11 (a) IN GENERAL.—The program shall be conducted
12 through a national headquarters, a network of extramural
13 regional undersea research centers that represent all rel-
14 evant National Oceanic and Atmospheric Administration
15 regions, and the National Institute for Undersea Science
16 and Technology.

17 (b) DIRECTION.—The Director shall develop the over-
18 all direction of the program in coordination with a Council
19 of Center Directors comprised of the directors of the ex-
20 tramural regional centers and the National Institute for
21 Undersea Science and Technology. The Director shall pub-
22 lish a draft program direction document not later than
23 1 year after the date of enactment of this Act in the Fed-
24 eral Register for a public comment period of not less than
25 120 days. The Director shall publish a final program di-

1 rection, including responses to the comments received dur-
2 ing the public comment period, in the Federal Register
3 within 90 days after the close of the comment period. The
4 program director shall update the program direction, with
5 opportunity for public comment, at least every 5 years.

6 **SEC. 5225. RESEARCH, EXPLORATION, EDUCATION, AND**
7 **TECHNOLOGY PROGRAMS.**

8 (a) IN GENERAL.—The following research, explo-
9 ration, education, and technology programs shall be con-
10 ducted through the network of regional centers and the
11 National Institute for Undersea Science and Technology:

12 (1) Core research and exploration based on na-
13 tional and regional undersea research priorities.

14 (2) Advanced undersea technology development
15 to support the National Oceanic and Atmospheric
16 Administration’s research mission and programs.

17 (3) Undersea science-based education and out-
18 reach programs to enrich ocean science education
19 and public awareness of the oceans and Great
20 Lakes.

21 (4) Development, testing, and transition of ad-
22 vanced undersea technology associated with ocean
23 observatories, submersibles, advanced diving tech-
24 nologies, remotely operated vehicles, autonomous un-

1 derwater vehicles, and new sampling and sensing
2 technologies.

3 (5) Discovery, study, and development of nat-
4 ural resources and products from ocean, coastal, and
5 aquatic systems.

6 (b) OPERATIONS.—The Director of the program,
7 through operation of the extramural regional centers and
8 the National Institute for Undersea Science and Tech-
9 nology, shall leverage partnerships and cooperative re-
10 search with academia and private industry.

11 **SEC. 5226. COMPETITIVENESS.**

12 (a) DISCRETIONARY FUND.—The Program shall allo-
13 cate no more than 10 percent of its annual budget to a
14 discretionary fund that may be used only for program ad-
15 ministration and priority undersea research projects iden-
16 tified by the Director but not covered by funding available
17 from centers.

18 (b) COMPETITIVE SELECTION.—The Administrator
19 shall conduct an initial competition to select the regional
20 centers that will participate in the program 90 days after
21 the publication of the final program direction under sec-
22 tion 5224 and every 5 years thereafter. Funding for
23 projects conducted through the regional centers shall be
24 awarded through a competitive, merit-reviewed process on

1 the basis of their relevance to the goals of the program
2 and their technical feasibility.

3 **SEC. 5227. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Na-
5 tional Oceanic and Atmospheric Administration—

6 (1) for fiscal year 2009—

7 (A) \$13,750,000 for the regional centers,
8 of which 50 percent shall be for West Coast re-
9 gional centers and 50 percent shall be for East
10 Coast regional centers; and

11 (B) \$5,500,000 for the National Tech-
12 nology Institute;

13 (2) for fiscal year 2010—

14 (A) \$15,125,000 for the regional centers,
15 of which 50 percent shall be for West Coast re-
16 gional centers and 50 percent shall be for East
17 Coast regional centers; and

18 (B) \$6,050,000 for the National Tech-
19 nology Institute;

20 (3) for fiscal year 2011—

21 (A) \$16,638,000 for the regional centers,
22 of which 50 percent shall be for West Coast re-
23 gional centers and 50 percent shall be for East
24 Coast regional centers; and

1 (B) \$6,655,000 for the National Tech-
2 nology Institute;

3 (4) for fiscal year 2012—

4 (A) \$18,301,000 for the regional centers,
5 of which 50 percent shall be for West Coast re-
6 gional centers and 50 percent shall be for East
7 Coast regional centers; and

8 (B) \$7,321,000 for the National Tech-
9 nology Institute;

10 (5) for fiscal year 2013—

11 (A) \$20,131,000 for the regional centers,
12 of which 50 percent shall be for West Coast re-
13 gional centers and 50 percent shall be for East
14 Coast regional centers; and

15 (B) \$8,053,000 for the National Tech-
16 nology Institute;

17 (6) for fiscal year 2014—

18 (A) \$22,145,000 for the regional centers,
19 of which 50 percent shall be for West Coast re-
20 gional centers and 50 percent shall be for East
21 Coast regional centers; and

22 (B) \$8,859,000 for the National Tech-
23 nology Institute; and

24 (7) for fiscal year 2015—

- 1 (A) \$24,359,000 for the regional centers,
2 of which 50 percent shall be for West Coast re-
3 gional centers and 50 percent shall be for East
4 Coast regional centers; and
5 (B) \$9,744,000 for the National Tech-
6 nology Institute.

7 **PART III—OCEAN AND COASTAL MAPPING**
8 **INTEGRATION ACT**

9 **SEC. 5231. SHORT TITLE.**

10 This part may be cited as the “Ocean and Coastal
11 Mapping Integration Act”.

12 **SEC. 5232. ESTABLISHMENT OF PROGRAM.**

13 (a) IN GENERAL.—The President, in coordination
14 with the Interagency Committee on Ocean and Coastal
15 Mapping and affected coastal states, shall establish a pro-
16 gram to develop a coordinated and comprehensive Federal
17 ocean and coastal mapping plan for the Great Lakes and
18 coastal state waters, the territorial sea, the exclusive eco-
19 nomic zone, and the continental shelf of the United States
20 that enhances ecosystem approaches in decision-making
21 for conservation and management of marine resources and
22 habitats, establishes research and mapping priorities, sup-
23 ports the siting of research and other platforms, and ad-
24 vances ocean and coastal science.

1 (b) MEMBERSHIP.—The Committee shall be com-
2 prised of high-level representatives of the Department of
3 Commerce, through the National Oceanic and Atmos-
4 pheric Administration, the Department of Interior, the
5 National Science Foundation, the Department of Defense,
6 the Environmental Protection Agency, the Department of
7 Homeland Security, the National Aeronautics and Space
8 Administration, and other appropriate Federal agencies
9 involved in ocean and coastal mapping.

10 (c) PROGRAM PARAMETERS.—In developing such a
11 program, the President, through the Committee, shall—

12 (1) identify all Federal and federally-funded
13 programs conducting shoreline delineation and ocean
14 or coastal mapping, noting geographic coverage, fre-
15 quency, spatial coverage, resolution, and subject
16 matter focus of the data and location of data ar-
17 chives;

18 (2) facilitate cost-effective, cooperative mapping
19 efforts that incorporate policies for contracting with
20 non-governmental entities among all Federal agen-
21 cies conducting ocean and coastal mapping, by in-
22 creasing data sharing, developing appropriate data
23 acquisition and metadata standards, and facilitating
24 the interoperability of in situ data collection systems,

1 data processing, archiving, and distribution of data
2 products;

3 (3) facilitate the adaptation of existing tech-
4 nologies as well as foster expertise in new ocean and
5 coastal mapping technologies, including through re-
6 search, development, and training conducted among
7 Federal agencies and in cooperation with non-gov-
8 ernmental entities;

9 (4) develop standards and protocols for testing
10 innovative experimental mapping technologies and
11 transferring new technologies between the Federal
12 Government, coastal state, and non-governmental
13 entities;

14 (5) provide for the archiving, management, and
15 distribution of data sets through a national registry
16 as well as provide mapping products and services to
17 the general public in service of statutory require-
18 ments;

19 (6) develop data standards and protocols con-
20 sistent with standards developed by the Federal Geo-
21 graphic Data Committee for use by Federal, coastal
22 state, and other entities in mapping and otherwise
23 documenting locations of federally permitted activi-
24 ties, living and nonliving coastal and marine re-
25 sources, marine ecosystems, sensitive habitats, sub-

1 merged cultural resources, undersea cables, offshore
2 aquaculture projects, offshore energy projects, and
3 any areas designated for purposes of environmental
4 protection or conservation and management of living
5 and nonliving coastal and marine resources;

6 (7) identify the procedures to be used for co-
7 ordinating the collection and integration of Federal
8 ocean and coastal mapping data with coastal state
9 and local government programs;

10 (8) facilitate, to the extent practicable, the col-
11 lection of real-time tide data and the development of
12 hydrodynamic models for coastal areas to allow for
13 the application of V-datum tools that will facilitate
14 the seamless integration of onshore and offshore
15 maps and charts;

16 (9) establish a plan for the acquisition and col-
17 lection of ocean and coastal mapping data; and

18 (10) set forth a timetable for completion and
19 implementation of the plan.

20 **SEC. 5233. INTERAGENCY COMMITTEE ON OCEAN AND**
21 **COASTAL MAPPING.**

22 (a) IN GENERAL.—The Administrator of the Na-
23 tional Oceanic and Atmospheric Administration, within 30
24 days after the date of enactment of this Act, shall convene

1 or utilize an existing interagency committee on ocean and
2 coastal mapping to implement section 5232.

3 (b) MEMBERSHIP.—The committee shall be com-
4 prised of senior representatives from Federal agencies
5 with ocean and coastal mapping and surveying responsibil-
6 ities. The representatives shall be high-ranking officials of
7 their respective agencies or departments and, whenever
8 possible, the head of the portion of the agency or depart-
9 ment that is most relevant to the purposes of this part.
10 Membership shall include senior representatives from the
11 National Oceanic and Atmospheric Administration, the
12 Chief of Naval Operations, the United States Geological
13 Survey, the Minerals Management Service, the National
14 Science Foundation, the National Geospatial-Intelligence
15 Agency, the United States Army Corps of Engineers, the
16 Coast Guard, the Environmental Protection Agency, the
17 Federal Emergency Management Agency, the National
18 Aeronautics and Space Administration, and other appro-
19 priate Federal agencies involved in ocean and coastal map-
20 ping.

21 (c) CO-CHAIRMEN.—The Committee shall be co-
22 chaired by the representative of the Department of Com-
23 merce and a representative of the Department of the Inte-
24 rior.

1 (d) SUBCOMMITTEE.—The co-chairmen shall estab-
2 lish a subcommittee to carry out the day-to-day work of
3 the Committee, comprised of senior representatives of any
4 member agency of the committee. Working groups may
5 be formed by the full Committee to address issues of short
6 duration. The subcommittee shall be chaired by the rep-
7 resentative from the National Oceanic and Atmospheric
8 Administration. The chairmen of the Committee may cre-
9 ate such additional subcommittees and working groups as
10 may be needed to carry out the work of Committee.

11 (e) MEETINGS.—The committee shall meet on a
12 quarterly basis, but each subcommittee and each working
13 group shall meet on an as-needed basis.

14 (f) COORDINATION.—The committee shall coordinate
15 activities when appropriate, with—

16 (1) other Federal efforts, including the Digital
17 Coast, Geospatial One-Stop, and the Federal Geo-
18 graphic Data Committee;

19 (2) international mapping activities;

20 (3) coastal states;

21 (4) user groups through workshops and other
22 appropriate mechanisms; and

23 (5) representatives of nongovernmental entities.

24 (g) ADVISORY PANEL.—The Administrator may con-
25 vene an ocean and coastal mapping advisory panel con-

1 sisting of representatives from non-governmental entities
2 to provide input regarding activities of the committee in
3 consultation with the interagency committee.

4 **SEC. 5234. BIENNIAL REPORTS.**

5 No later than 18 months after the date of enactment
6 of this Act, and biennially thereafter, the co-chairmen of
7 the Committee shall transmit to the Committee on Com-
8 merce, Science, and Transportation of the Senate and the
9 Committee on Natural Resources of the House of Rep-
10 resentatives a report detailing progress made in imple-
11 menting this part, including—

12 (1) an inventory of ocean and coastal mapping
13 data within the territorial sea and the exclusive eco-
14 nomic zone and throughout the Continental Shelf of
15 the United States, noting the age and source of the
16 survey and the spatial resolution (metadata) of the
17 data;

18 (2) identification of priority areas in need of
19 survey coverage using present technologies;

20 (3) a resource plan that identifies when priority
21 areas in need of modern ocean and coastal mapping
22 surveys can be accomplished;

23 (4) the status of efforts to produce integrated
24 digital maps of ocean and coastal areas;

1 (5) a description of any products resulting from
2 coordinated mapping efforts under this part that im-
3 prove public understanding of the coasts and oceans,
4 or regulatory decisionmaking;

5 (6) documentation of minimum and desired
6 standards for data acquisition and integrated
7 metadata;

8 (7) a statement of the status of Federal efforts
9 to leverage mapping technologies, coordinate map-
10 ping activities, share expertise, and exchange data;

11 (8) a statement of resource requirements for or-
12 ganizations to meet the goals of the program, includ-
13 ing technology needs for data acquisition, proc-
14 essing, and distribution systems;

15 (9) a statement of the status of efforts to de-
16 classify data gathered by the Navy, the National
17 Geospatial-Intelligence Agency, and other agencies
18 to the extent possible without jeopardizing national
19 security, and make it available to partner agencies
20 and the public;

21 (10) a resource plan for a digital coast inte-
22 grated mapping pilot project for the northern Gulf
23 of Mexico that will—

24 (A) cover the area from the authorized
25 coastal counties through the territorial sea;

1 (B) identify how such a pilot project will
2 leverage public and private mapping data and
3 resources, such as the United States Geological
4 Survey National Map, to result in an oper-
5 ational coastal change assessment program for
6 the subregion;

7 (11) the status of efforts to coordinate Federal
8 programs with coastal state and local government
9 programs and leverage those programs;

10 (12) a description of efforts of Federal agencies
11 to increase contracting with nongovernmental enti-
12 ties; and

13 (13) an inventory and description of any new
14 Federal or federally funded programs conducting
15 shoreline delineation and ocean or coastal mapping
16 since the previous reporting cycle.

17 **SEC. 5235. PLAN.**

18 (a) IN GENERAL.—Not later than 6 months after the
19 date of enactment of this Act, the Administrator, in con-
20 sultation with the Committee, shall develop and submit to
21 the Congress a plan for an integrated ocean and coastal
22 mapping initiative within the National Oceanic and At-
23 mospheric Administration.

24 (b) PLAN REQUIREMENTS.—The plan shall—

1 (1) identify and describe all ocean and coastal
2 mapping programs within the agency, including
3 those that conduct mapping or related activities in
4 the course of existing missions, such as hydrographic
5 surveys, ocean exploration projects, living marine re-
6 source conservation and management programs,
7 coastal zone management projects, and ocean and
8 coastal observations and science projects;

9 (2) establish priority mapping programs and es-
10 tablish and periodically update priorities for geo-
11 graphic areas in surveying and mapping across all
12 missions of the National Oceanic and Atmospheric
13 Administration, as well as minimum data acquisition
14 and metadata standards for those programs;

15 (3) encourage the development of innovative
16 ocean and coastal mapping technologies and applica-
17 tions, through research and development through co-
18 operative or other agreements with joint or coopera-
19 tive research institutes or centers and with other
20 non-governmental entities;

21 (4) document available and developing tech-
22 nologies, best practices in data processing and dis-
23 tribution, and leveraging opportunities with other
24 Federal agencies, coastal states, and non-govern-
25 mental entities;

1 (5) identify training, technology, and other re-
2 source requirements for enabling the National Oce-
3 anic and Atmospheric Administration's programs,
4 vessels, and aircraft to support a coordinated ocean
5 and coastal mapping program;

6 (6) identify a centralized mechanism or office
7 for coordinating data collection, processing,
8 archiving, and dissemination activities of all such
9 mapping programs within the National Oceanic and
10 Atmospheric Administration that meets Federal
11 mandates for data accuracy and accessibility and
12 designate a repository that is responsible for
13 archiving and managing the distribution of all ocean
14 and coastal mapping data to simplify the provision
15 of services to benefit Federal and coastal state pro-
16 grams; and

17 (7) set forth a timetable for implementation
18 and completion of the plan, including a schedule for
19 submission to the Congress of periodic progress re-
20 ports and recommendations for integrating ap-
21 proaches developed under the initiative into the
22 interagency program.

23 (c) NOAA JOINT OCEAN AND COASTAL MAPPING
24 CENTERS.—The Administrator may maintain and operate
25 up to 3 joint ocean and coastal mapping centers, including

1 a joint hydrographic center, which shall each be co-located
2 with an institution of higher education. The centers shall
3 serve as hydrographic centers of excellence and may con-
4 duct activities necessary to carry out the purposes of this
5 part, including—

6 (1) research and development of innovative
7 ocean and coastal mapping technologies, equipment,
8 and data products;

9 (2) mapping of the United States Outer Conti-
10 nental Shelf and other regions;

11 (3) data processing for nontraditional data and
12 uses;

13 (4) advancing the use of remote sensing tech-
14 nologies, for related issues, including mapping and
15 assessment of essential fish habitat and of coral re-
16 sources, ocean observations, and ocean exploration;
17 and

18 (5) providing graduate education and training
19 in ocean and coastal mapping sciences for members
20 of the National Oceanic and Atmospheric Adminis-
21 tration Commissioned Officer Corps, personnel of
22 other agencies with ocean and coastal mapping pro-
23 grams, and civilian personnel.

24 (d) NOAA REPORT.—The Administrator shall con-
25 tinue developing a strategy for expanding contracting with

1 non-governmental entities to minimize duplication and
2 take maximum advantage of nongovernmental capabilities
3 in fulfilling the Administration's mapping and charting re-
4 sponsibilities. Within 120 days after the date of enactment
5 of this Act, the Administrator shall transmit a report de-
6 scribing the strategy developed under this subsection to
7 the Committee on Commerce, Science, and Transportation
8 of the Senate and the Committee on Natural Resources
9 of the House of Representatives.

10 **SEC. 5236. EFFECT ON OTHER LAWS.**

11 Nothing in this part shall be construed to supersede
12 or alter the existing authorities of any Federal agency with
13 respect to ocean and coastal mapping.

14 **SEC. 5237. AUTHORIZATION OF APPROPRIATIONS.**

15 (a) IN GENERAL.—In addition to the amounts au-
16 thorized by section 306 of the Hydrographic Services Im-
17 provement Act of 1998 (33 U.S.C. 892d), there are au-
18 thorized to be appropriated to the Administrator to carry
19 out this part—

- 20 (1) \$26,000,000 for fiscal year 2009;
21 (2) \$32,000,000 for fiscal year 2010;
22 (3) \$38,000,000 for fiscal year 2011; and
23 (4) \$45,000,000 for each of fiscal years 2012
24 through 2015.

1 (b) JOINT OCEAN AND COASTAL MAPPING CEN-
 2 TERS.—Of the amounts appropriated pursuant to sub-
 3 section (a), the following amounts shall be used to carry
 4 out section 5235(c) of this part:

- 5 (1) \$11,000,000 for fiscal year 2009.
- 6 (2) \$12,000,000 for fiscal year 2010.
- 7 (3) \$13,000,000 for fiscal year 2011.
- 8 (4) \$15,000,000 for each of fiscal years 2012
 9 through 2015.

10 (c) COOPERATIVE AGREEMENTS.—To carry out
 11 interagency activities under section 5233 of this part, the
 12 head of any department or agency may execute a coopera-
 13 tive agreement with the Administrator, including those au-
 14 thorized by section 5 of the Act of August 6, 1947 (33
 15 U.S.C. 883e).

16 **SEC. 5238. DEFINITIONS.**

17 In this part:

- 18 (1) ADMINISTRATOR.—The term “Adminis-
 19 trator’ ” means the Administrator of the National
 20 Oceanic and Atmospheric Administration.
- 21 (2) COASTAL STATE.—The term “coastal state”
 22 has the meaning given that term by section 304(4)
 23 of the Coastal Zone Management Act of 1972 (16
 24 U.S.C. 1453(4)).

1 (3) COMMITTEE.—The term “Committee”
2 means the Interagency Ocean Mapping Committee
3 established by section 5233.

4 (4) EXCLUSIVE ECONOMIC ZONE.—The term
5 “exclusive economic zone” means the exclusive eco-
6 nomic zone of the United States established by Pres-
7 idential Proclamation No. 5030, of March 10, 1983.

8 (5) OCEAN AND COASTAL MAPPING.—The term
9 “ocean and coastal mapping” means the acquisition,
10 processing, and management of physical, biological,
11 geological, chemical, and archaeological characteris-
12 tics and boundaries of ocean and coastal areas, re-
13 sources, and sea beds through the use of acoustics,
14 satellites, aerial photogrammetry, light and imaging,
15 direct sampling, and other mapping technologies.

16 (6) TERRITORIAL SEA.—The term “territorial
17 sea” means the belt of sea measured from the base-
18 line of the United States determined in accordance
19 with international law, as set forth in Presidential
20 Proclamation Number 5928, dated December 27,
21 1988.

22 (7) NONGOVERNMENTAL ENTITIES.—The term
23 “nongovernmental entities” includes nongovern-
24 mental organizations, members of the academic com-
25 munity, and private sector organizations that pro-

1 vide products and services associated with meas-
 2 uring, locating, and preparing maps, charts, surveys,
 3 aerial photographs, satellite images, or other
 4 graphical or digital presentations depicting natural
 5 or manmade physical features, phenomena, and legal
 6 boundaries of the Earth.

7 (8) OUTER CONTINENTAL SHELF.—The term
 8 “Outer Continental Shelf” means all submerged
 9 lands lying seaward and outside of lands beneath
 10 navigable waters (as that term is defined in section
 11 2 of the Submerged Lands Act (43 U.S.C. 1301)),
 12 and of which the subsoil and seabed appertain to the
 13 United States and are subject to its jurisdiction and
 14 control.

15 **PART IV—NATIONAL SEA GRANT COLLEGE**

16 **PROGRAM AMENDMENTS ACT OF 2008**

17 **SEC. 5241. SHORT TITLE.**

18 This part may be cited as the “National Sea Grant
 19 College Program Amendments Act of 2008”.

20 **SEC. 5242. REFERENCES.**

21 Except as otherwise expressly provided therein, when-
 22 ever in this part an amendment or repeal is expressed in
 23 terms of an amendment to, or repeal of, a section or other
 24 provision, the reference shall be considered to be made to

1 a section or other provision of the National Sea Grant Col-
2 lege Program Act (33 U.S.C. 1121 et seq.).

3 **SEC. 5243. FINDINGS AND PURPOSE.**

4 (a) FINDINGS.—Section 202(a) (33 U.S.C. 1121(a))
5 is amended—

6 (1) by striking subparagraphs (D) and (E) of
7 paragraph (1) and inserting the following:

8 “(D) encourage the development of prepa-
9 ration, forecast, analysis, mitigation, response,
10 and recovery systems for coastal hazards;

11 “(E) understand global environmental
12 processes and their impacts on ocean, coastal,
13 and Great Lakes resources; and”;

14 (2) by striking “program of research, edu-
15 cation,” in paragraph (2) and inserting “program of
16 integrated research, education, extension,”; and

17 (3) by striking paragraph (6) and inserting the
18 following:

19 “(6) The National Oceanic and Atmospheric
20 Administration, through the national sea grant col-
21 lege program, offers the most suitable locus and
22 means for such commitment and engagement
23 through the promotion of activities that will result in
24 greater such understanding, assessment, develop-
25 ment, management, utilization, and conservation of

1 ocean, coastal, and Great Lakes resources. The most
2 cost-effective way to promote such activities is
3 through continued and increased Federal support of
4 the establishment, development, and operation of
5 programs and projects by sea grant colleges, sea
6 grant institutes, and other institutions, including
7 strong collaborations between Administration sci-
8 entists and research and outreach personnel at aca-
9 demic institutions.”.

10 (b) PURPOSE.—Section 202(c) (33 U.S.C. 1121(c))
11 is amended by striking “to promote research, education,
12 training, and advisory service activities” and inserting “to
13 promote integrated research, education, training, and ex-
14 tension services and activities”.

15 (c) TERMINOLOGY.—Subsections (a) and (b) of sec-
16 tion 202 (15 U.S.C. 1121(a) and (b)) are amended by in-
17 serting “management,” after “development,” each place
18 it appears.

19 **SEC. 5244. DEFINITIONS.**

20 (a) IN GENERAL.—Section 203 (33 U.S.C. 1122) is
21 amended—

22 (1) in paragraph (4) by inserting “manage-
23 ment,” after “development,”;

24 (2) in paragraph (11) by striking “advisory
25 services” and inserting “extension services”; and

1 (3) in each of paragraphs (12) and (13) by
2 striking “(33 U.S.C. 1126)”.

3 (b) REPEAL.—Section 307 of the Act entitled “An
4 Act to provide for the designation of the Flower Garden
5 Banks National Marine Sanctuary” (Public Law 102–
6 251; 106 Stat. 66) is repealed.

7 **SEC. 5245. NATIONAL SEA GRANT COLLEGE PROGRAM.**

8 (a) PROGRAM ELEMENTS.—Section 204(b) (33
9 U.S.C. 1123(b)) is amended—

10 (1) by amending paragraph (1) to read as fol-
11 lows:

12 “(1) sea grant programs that comprise a na-
13 tional sea grant college program network, including
14 international projects conducted within such pro-
15 grams and regional and national projects conducted
16 among such programs;”;

17 (2) by amending paragraph (2) to read as fol-
18 lows:

19 “(2) administration of the national sea grant
20 college program and this title by the national sea
21 grant office and the Administration;”;

22 (3) by amending paragraph (4) to read as fol-
23 lows:

24 “(4) any regional or national strategic invest-
25 ments in fields relating to ocean, coastal, and Great

1 Lakes resources developed in consultation with the
 2 Board and with the approval of the sea grant col-
 3 leges and the sea grant institutes.”.

4 (b) TECHNICAL CORRECTION.—Section 204(c)(2)
 5 (33 U.S.C. 1123(c)(2)) is amended by striking “Within
 6 6 months of the date of enactment of the National Sea
 7 Grant College Program Reauthorization Act of 1998, the”
 8 and inserting “The”.

9 (c) FUNCTIONS OF DIRECTOR OF NATIONAL SEA
 10 GRANT COLLEGE PROGRAM.—Section 204(d) (33 U.S.C.
 11 1123(d)) is amended—

12 (1) in paragraph (2)(A), by striking “long
 13 range”;

14 (2) in paragraph (3)(A)—

15 (A) by striking “(A)(i) evaluate” and in-
 16 serting “(A) evaluate and assess”;

17 (B) by striking “activities; and” and in-
 18 serting “activities;”; and

19 (C) by striking clause (ii); and

20 (3) in paragraph (3)(B)—

21 (A) by redesignating clauses (ii) through
 22 (iv) as clauses (iii) through (v), respectively,
 23 and by inserting after clause (i) the following:

24 “(ii) encourage collaborations among
 25 sea grant colleges and sea grant institutes

1 to address regional and national priorities
 2 established under subsection (c)(1);”;

3 (B) in clause (iii) (as so redesignated) by
 4 striking “encourage” and inserting “ensure”;

5 (C) in clause (iv) (as so redesignated) by
 6 striking “and” after the semicolon;

7 (D) by inserting after clause (v) (as so re-
 8 designated) the following:

9 “(vi) encourage cooperation with Minority
 10 Serving Institutions to enhance collaborative re-
 11 search opportunities and increase the number of
 12 such students graduating in NOAA science
 13 areas; and”.

14 **SEC. 5246. PROGRAM OR PROJECT GRANTS AND CON-**
 15 **TRACTS.**

16 Section 205 (33 U.S.C. 1124) is amended—

17 (1) by striking “204(c)(4)(F).” in subsection
 18 (a) and inserting “204(c)(4)(F) or that are appro-
 19 priated under section 208(b).”; and

20 (2) by striking the matter following paragraph

21 (3) in subsection (b) and inserting the following:

22 “The total amount that may be provided for grants
 23 under this subsection during any fiscal year shall not ex-
 24 ceed an amount equal to 5 percent of the total funds ap-
 25 propriated for such year under section 212.”.

1 **SEC. 5247. EXTENSION SERVICES BY SEA GRANT COLLEGES**
 2 **AND SEA GRANT INSTITUTES.**

3 Section 207(a) (33 U.S.C. 1126(a)) is amended in
 4 each of paragraphs (2)(B) and (3)(B) by striking “advi-
 5 sory services” and inserting “extension services”.

6 **SEC. 5248. FELLOWSHIPS.**

7 Section 208(a) (33 U.S.C. 1127) is amended—

8 (1) by striking “Not later than 1 year after the
 9 date of the enactment of the National Sea Grant
 10 College Program Act Amendments of 2002, and
 11 every 2 years thereafter,” in subsection (a) and in-
 12 serting “Every 2 years,”; and

13 (2) by adding at the end the following:

14 “(c) Restriction on Use of Funds.—Amounts avail-
 15 able for fellowships under this section, including amounts
 16 accepted under section 204(c)(4)(F) or appropriated
 17 under section 212 to implement this section, shall be used
 18 only for award of such fellowships and administrative costs
 19 of implementing this section.”

20 **SEC. 5249. NATIONAL SEA GRANT ADVISORY BOARD.**

21 (a) REDESIGNATION OF SEA GRANT REVIEW PANEL
 22 AS BOARD.—

23 (1) REDESIGNATION.—The sea grant review
 24 panel established by section 209 of the National Sea
 25 Grant College Program Act (33 U.S.C. 1128), as in
 26 effect before the date of the enactment of this Act,

1 is redesignated as the National Sea Grant Advisory
2 Board.

3 (2) MEMBERSHIP NOT AFFECTED.—An indi-
4 vidual serving as a member of the sea grant review
5 panel immediately before date of the enactment of
6 this Act may continue to serve as a member of the
7 National Sea Grant Advisory Board until the expira-
8 tion of such member’s term under section 209(c) of
9 such Act (33 U.S.C. 1128(c)).

10 (3) REFERENCES.—Any reference in a law,
11 map, regulation, document, paper, or other record of
12 the United States to such sea grant review panel is
13 deemed to be a reference to the National Sea Grant
14 Advisory Board.

15 (4) CONFORMING AMENDMENTS.—

16 (A) IN GENERAL.—Section 209 (33 U.S.C.
17 1128) is amended by striking so much as pre-
18 cedes subsection (b) and inserting the following:

19 **“SEC. 209. NATIONAL SEA GRANT ADVISORY BOARD.**

20 **“(a) ESTABLISHMENT.—**There shall be an inde-
21 pendent committee to be known as the National Sea Grant
22 Advisory Board.”.

23 (B) DEFINITION.—Section 203(9) (33
24 U.S.C. 1122(9)) is amended to read as follows:

1 “(9) The term ‘Board’ means the National Sea
2 Grant Advisory Board established under section
3 209.”;

4 (C) OTHER PROVISIONS.—The following
5 provisions are each amended by striking
6 “panel” each place it appears and inserting
7 “Board”:

8 (i) Section 204 (33 U.S.C. 1123).

9 (ii) Section 207 (33 U.S.C. 1126).

10 (iii) Section 209 (33 U.S.C. 1128).

11 (b) DUTIES.—Section 209(b) (33 U.S.C. 1128(b)) is
12 amended to read as follows:

13 “(b) DUTIES.—

14 “(1) IN GENERAL.—The Board shall advise the
15 Secretary and the Director concerning—

16 “(A) strategies for utilizing the sea grant
17 college program to address the Nation’s highest
18 priorities regarding the understanding, assess-
19 ment, development, management, utilization,
20 and conservation of ocean, coastal, and Great
21 Lakes resources;

22 “(B) the designation of sea grant colleges
23 and sea grant institutes; and

24 “(C) such other matters as the Secretary
25 refers to the Board for review and advice.

1 “(2) BIENNIAL REPORT.—The Board shall re-
2 port to the Congress every two years on the state of
3 the national sea grant college program. The Board
4 shall indicate in each such report the progress made
5 toward meeting the priorities identified in the stra-
6 tegic plan in effect under section 204(c). The Sec-
7 retary shall make available to the Board such infor-
8 mation, personnel, and administrative services and
9 assistance as it may reasonably require to carry out
10 its duties under this title.”.

11 (c) MEMBERSHIP, TERMS, AND POWERS.—Section
12 209(c)(1) (33 U.S.C. 1128(c)(1)) is amended—

13 (1) by inserting “coastal management,” after
14 “resource management,”; and

15 (2) by inserting “management,” after “develop-
16 ment,”.

17 (d) EXTENSION OF TERM.—Section 209(c)(3) (33
18 U.S.C. 1128(c)(3)) is amended by striking the second sen-
19 tence and inserting the following: “The Director may ex-
20 tend the term of office of a voting member of the Board
21 once by up to 1 year.”.

22 (e) ESTABLISHMENT OF SUBCOMMITTEES.—Section
23 209(c) (33 U.S.C. 1128(c)) is amended by adding at the
24 end the following:

1 “(8) The Board may establish such subcommittees as
 2 are reasonably necessary to carry out its duties under sub-
 3 section (b). Such subcommittees may include individuals
 4 who are not Board members.”.

5 **SEC. 5250. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 212 of the National Sea Grant College Pro-
 7 gram Act (33 U.S.C. 1131) is amended—

8 (1) by striking subsection (a)(1) and inserting
 9 the following: “

10 “(1) IN GENERAL.—There are authorized to be
 11 appropriated to the Secretary to carry out this
 12 title—

13 “(A) \$72,000,000 for fiscal year 2009;

14 “(B) \$75,600,000 for fiscal year 2010;

15 “(C) \$79,380,000 for fiscal year 2011;

16 “(D) \$83,350,000 for fiscal year 2012;

17 “(E) \$87,520,000 for fiscal year 2013; and

18 “(F) \$91,900,000 for fiscal year 2014.”;

19 (2) in subsection (a)(2)—

20 (A) by striking “fiscal years 2003 through
 21 2008—” and inserting “fiscal years 2009
 22 through 2014—”;

23 (B) by striking “biology and control of
 24 zebra mussels and other important aquatic” in

1 subparagraph (A) and inserting “biology, pre-
2 vention, and control of aquatic”; and

3 (C) by striking “blooms, including
4 *Pfiesteria piscicida*; and” in subparagraph (C)
5 and inserting “blooms; and”;

6 (3) in subsection (c)(1) by striking “rating
7 under section 204(d)(3)(A)” and inserting “perform-
8 ance assessments”; and

9 (4) by striking subsection (c)(2) and inserting
10 the following:

11 “(2) regional or national strategic investments au-
12 thorized under section 204(b)(4);”.

13 **PART V—INTEGRATED COASTAL AND OCEAN**
14 **OBSERVATION SYSTEM ACT OF 2008**

15 **SEC. 5261. SHORT TITLE.**

16 This part may be cited as the “Integrated Coastal
17 and Ocean Observation System Act of 2008”.

18 **SEC. 5262. PURPOSES.**

19 The purposes of this part are to—

20 (1) establish a national integrated System of
21 ocean, coastal, and Great Lakes observing systems,
22 comprised of Federal and non-Federal components
23 coordinated at the national level by the National
24 Ocean Research Leadership Council and at the re-
25 gional level by a network of regional information co-

1 ordination entities, and that includes in situ, remote,
2 and other coastal and ocean observation, tech-
3 nologies, and data management and communication
4 systems, and is designed to address regional and na-
5 tional needs for ocean information, to gather specific
6 data on key coastal, ocean, and Great Lakes vari-
7 ables, and to ensure timely and sustained dissemina-
8 tion and availability of these data to—

9 (A) support national defense, marine com-
10 merce, navigation safety, weather, climate, and
11 marine forecasting, energy siting and produc-
12 tion, economic development, ecosystem-based
13 marine, coastal, and Great Lakes resource man-
14 agement, public safety, and public outreach
15 training and education;

16 (B) promote greater public awareness and
17 stewardship of the Nation’s ocean, coastal, and
18 Great Lakes resources and the general public
19 welfare; and

20 (C) enable advances in scientific under-
21 standing to support the sustainable use, con-
22 servation, management, and understanding of
23 healthy ocean, coastal, and Great Lakes re-
24 sources;

1 (2) improve the Nation’s capability to measure,
2 track, explain, and predict events related directly
3 and indirectly to weather and climate change, nat-
4 ural climate variability, and interactions between the
5 oceanic and atmospheric environments, including the
6 Great Lakes; and

7 (3) authorize activities to promote basic and ap-
8 plied research to develop, test, and deploy innova-
9 tions and improvements in coastal and ocean obser-
10 vation technologies, modeling systems, and other sci-
11 entific and technological capabilities to improve our
12 conceptual understanding of weather and climate,
13 ocean-atmosphere dynamics, global climate change,
14 physical, chemical, and biological dynamics of the
15 ocean, coastal and Great Lakes environments, and
16 to conserve healthy and restore degraded coastal
17 ecosystems.

18 **SEC. 5263. DEFINITIONS.**

19 In this part:

20 (1) **ADMINISTRATOR.**—The term “Adminis-
21 trator” means the Under Secretary of Commerce for
22 Oceans and Atmosphere in the Under Secretary’s
23 capacity as Administrator of the National Oceanic
24 and Atmospheric Administration.

1 (2) COUNCIL.—The term “Council” means the
2 National Ocean Research Leadership Council estab-
3 lished by section 7902 of title 10, United States
4 Code.

5 (3) FEDERAL ASSETS.—The term “Federal as-
6 sets” means all relevant non-classified civilian coast-
7 al and ocean observations, technologies, and related
8 modeling, research, data management, basic and ap-
9 plied technology research and development, and pub-
10 lic education and outreach programs, that are man-
11 aged by member agencies of the Council.

12 (4) INTERAGENCY OCEAN OBSERVATION COM-
13 MITTEE.—The term “Interagency Ocean Observa-
14 tion Committee” means the committee established
15 under section 5264(c)(2).

16 (5) NON-FEDERAL ASSETS.—The term “non-
17 Federal assets” means all relevant coastal and ocean
18 observation technologies, related basic and applied
19 technology research and development, and public
20 education and outreach programs that are integrated
21 into the System and are managed through States,
22 regional organizations, universities, nongovernmental
23 organizations, or the private sector.

24 (6) REGIONAL INFORMATION COORDINATION
25 ENTITIES.—

1 (A) IN GENERAL.—The term “regional in-
2 formation coordination entity” means an orga-
3 nizational body that is certified or established
4 by contract or memorandum by the lead Fed-
5 eral agency designated in section 5264(c)(3) of
6 this part and coordinates State, Federal, local,
7 and private interests at a regional level with the
8 responsibility of engaging the private and public
9 sectors in designing, operating, and improving
10 regional coastal and ocean observing systems in
11 order to ensure the provision of data and infor-
12 mation that meet the needs of user groups from
13 the respective regions.

14 (B) CERTAIN INCLUDED ASSOCIATIONS.—
15 The term “regional information coordination
16 entity” includes regional associations described
17 in the System Plan.

18 (7) SECRETARY.—The term “Secretary” means
19 the Secretary of Commerce, acting through the Na-
20 tional Oceanic and Atmospheric Administration.

21 (8) SYSTEM.—The term “System” means the
22 National Integrated Coastal and Ocean Observation
23 System established under section 5264.

24 (9) SYSTEM PLAN.—The term “System Plan”
25 means the plan contained in the document entitled

1 “Ocean.US Publication No. 9, The First Integrated
2 Ocean Observing System (IOOS) Development
3 Plan”, as updated by the Council under this part.

4 **SEC. 5264. INTEGRATED COASTAL AND OCEAN OBSERVING**
5 **SYSTEM.**

6 (a) ESTABLISHMENT.—The President, acting
7 through the Council, shall establish a National Integrated
8 Coastal and Ocean Observation System to fulfill the pur-
9 poses set forth in section 5262 of this part and the System
10 Plan and to fulfill the Nation’s international obligations
11 to contribute to the Global Earth Observation System of
12 Systems and the Global Ocean Observing System.

13 (b) SYSTEM ELEMENTS.—

14 (1) IN GENERAL.—In order to fulfill the pur-
15 poses of this part, the System shall be national in
16 scope and consist of—

17 (A) Federal assets to fulfill national and
18 international observation missions and prior-
19 ities;

20 (B) non-Federal assets, including a net-
21 work of regional information coordination enti-
22 ties identified under subsection (c)(4), to fulfill
23 regional observation missions and priorities;

24 (C) data management, communication, and
25 modeling systems for the timely integration and

1 dissemination of data and information products
2 from the System;

3 (D) a research and development program
4 conducted under the guidance of the Council,
5 consisting of—

6 (i) basic and applied research and
7 technology development to improve under-
8 standing of coastal and ocean systems and
9 their relationships to human activities and
10 to ensure improvement of operational as-
11 sets and products, including related infra-
12 structure, observing technologies, and in-
13 formation and data processing and man-
14 agement technologies; and

15 (ii) large scale computing resources
16 and research to advance modeling of coast-
17 al and ocean processes.

18 (2) ENHANCING ADMINISTRATION AND MAN-
19 AGEMENT.—The head of each Federal agency that
20 has administrative jurisdiction over a Federal asset
21 shall support the purposes of this part and may take
22 appropriate actions to enhance internal agency ad-
23 ministration and management to better support, in-
24 tegrate, finance, and utilize observation data, prod-

1 ucts, and services developed under this section to
2 further its own agency mission and responsibilities.

3 (3) AVAILABILITY OF DATA.—The head of each
4 Federal agency that has administrative jurisdiction
5 over a Federal asset shall make available data that
6 are produced by that asset and that are not other-
7 wise restricted for integration, management, and dis-
8 semination by the System.

9 (4) NON-FEDERAL ASSETS.—Non-Federal as-
10 sets shall be coordinated, as appropriate, by the
11 Interagency Ocean Observing Committee or by re-
12 gional information coordination entities.

13 (c) POLICY OVERSIGHT, ADMINISTRATION, AND RE-
14 GIONAL COORDINATION.—

15 (1) COUNCIL FUNCTIONS.—The Council shall
16 serve as the policy and coordination oversight body
17 for all aspects of the System. In carrying out its re-
18 sponsibilities under this part, the Council shall—

19 (A) approve and adopt comprehensive Sys-
20 tem budgets developed and maintained by the
21 Interagency Ocean Observation Committee to
22 support System operations, including operations
23 of both Federal and non-Federal assets;

24 (B) ensure coordination of the System with
25 other domestic and international earth observ-

1 ing activities including the Global Ocean Ob-
2 serving System and the Global Earth Observing
3 System of Systems, and provide, as appropriate,
4 support for and representation on United
5 States delegations to international meetings on
6 coastal and ocean observing programs; and

7 (C) encourage coordinated intramural and
8 extramural research and technology develop-
9 ment, and a process to transition developing
10 technology and methods into operations of the
11 System.

12 (2) INTERAGENCY OCEAN OBSERVATION COM-
13 MITTEE.—The Council shall establish or designate
14 an Interagency Ocean Observation Committee which
15 shall—

16 (A) prepare annual and long-term plans
17 for consideration and approval by the Council
18 for the integrated design, operation, mainte-
19 nance, enhancement and expansion of the Sys-
20 tem to meet the objectives of this part and the
21 System Plan;

22 (B) develop and transmit to Congress at
23 the time of submission of the President's an-
24 nual budget request an annual coordinated,
25 comprehensive budget to operate all elements of

1 the System identified in subsection (b), and to
2 ensure continuity of data streams from Federal
3 and non-Federal assets;

4 (C) establish required observation data
5 variables to be gathered by both Federal and
6 non-Federal assets and identify, in consultation
7 with regional information coordination entities,
8 priorities for System observations;

9 (D) establish protocols and standards for
10 System data processing, management, and com-
11 munication;

12 (E) develop contract certification stand-
13 ards and compliance procedures for all non-
14 Federal assets, including regional information
15 coordination entities, to establish eligibility for
16 integration into the System and to ensure com-
17 pliance with all applicable standards and proto-
18 cols established by the Council, and ensure that
19 regional observations are integrated into the
20 System on a sustained basis;

21 (F) identify gaps in observation coverage
22 or needs for capital improvements of both Fed-
23 eral assets and non-Federal assets;

24 (G) subject to the availability of appropria-
25 tions, establish through one or more partici-

1 pating Federal agencies, in consultation with
2 the System advisory committee established
3 under subsection (d), a competitive matching
4 grant or other programs—

5 (i) to promote intramural and extra-
6 mural research and development of new,
7 innovative, and emerging observation tech-
8 nologies including testing and field trials;
9 and

10 (ii) to facilitate the migration of new,
11 innovative, and emerging scientific and
12 technological advances from research and
13 development to operational deployment;

14 (H) periodically review and recommend to
15 the Council, in consultation with the Adminis-
16 trator, revisions to the System Plan;

17 (I) ensure collaboration among Federal
18 agencies participating in the activities of the
19 Committee; and

20 (J) perform such additional duties as the
21 Council may delegate.

22 (3) LEAD FEDERAL AGENCY.—The National
23 Oceanic and Atmospheric Administration shall func-
24 tion as the lead Federal agency for the implementa-
25 tion and administration of the System, in consulta-

1 tion with the Council, the Interagency Ocean Obser-
2 vation Committee, other Federal agencies that main-
3 tain portions of the System, and the regional infor-
4 mation coordination entities, and shall—

5 (A) establish an Integrated Ocean Observ-
6 ing Program Office within the National Oceanic
7 and Atmospheric Administration utilizing to the
8 extent necessary, personnel from member agen-
9 cies participating on the Interagency Ocean Ob-
10 servation Committee, to oversee daily operations
11 and coordination of the System;

12 (B) implement policies, protocols, and
13 standards approved by the Council and dele-
14 gated by the Interagency Ocean Observing
15 Committee;

16 (C) promulgate program guidelines to cer-
17 tify and integrate non-Federal assets, including
18 regional information coordination entities, into
19 the System to provide regional coastal and
20 ocean observation data that meet the needs of
21 user groups from the respective regions;

22 (D) have the authority to enter into and
23 oversee contracts, leases, grants or cooperative
24 agreements with non-Federal assets, including
25 regional information coordination entities, to

1 support the purposes of this part on such terms
2 as the Administrator deems appropriate;

3 (E) implement a merit-based, competitive
4 funding process to support non-Federal assets,
5 including the development and maintenance of
6 a network of regional information coordination
7 entities, and develop and implement a process
8 for the periodic review and evaluation of all
9 non-Federal assets, including regional informa-
10 tion coordination entities;

11 (F) provide opportunities for competitive
12 contracts and grants for demonstration projects
13 to design, develop, integrate, deploy, and sup-
14 port components of the System;

15 (G) establish efficient and effective admin-
16 istrative procedures for allocation of funds
17 among contractors, grantees, and non-Federal
18 assets, including regional information coordina-
19 tion entities in a timely manner, and contingent
20 on appropriations according to the budget
21 adopted by the Council;

22 (H) develop and implement a process for
23 the periodic review and evaluation of regional
24 information coordination entities;

1 (I) formulate an annual process by which
2 gaps in observation coverage or needs for cap-
3 ital improvements of Federal assets and non-
4 Federal assets of the System are identified by
5 the regional information coordination entities,
6 the Administrator, or other members of the
7 System and transmitted to the Interagency
8 Ocean Observing Committee;

9 (J) develop and be responsible for a data
10 management and communication system, in ac-
11 cordance with standards and protocols estab-
12 lished by the Council, by which all data col-
13 lected by the System regarding ocean and
14 coastal waters of the United States including
15 the Great Lakes, are processed, stored, inte-
16 grated, and made available to all end-user com-
17 munities;

18 (K) implement a program of public edu-
19 cation and outreach to improve public aware-
20 ness of global climate change and effects on the
21 ocean, coastal, and Great Lakes environment;

22 (L) report annually to the Interagency
23 Ocean Observing Committee on the accomplish-
24 ments, operational needs, and performance of
25 the System to contribute to the annual and

1 long-term plans developed pursuant to sub-
2 section (c)(2)(A)(i); and

3 (M) develop a plan to efficiently integrate
4 into the System new, innovative, or emerging
5 technologies that have been demonstrated to be
6 useful to the System and which will fulfill the
7 purposes of this part and the System Plan.

8 (4) REGIONAL INFORMATION COORDINATION
9 ENTITIES.—

10 (A) IN GENERAL.—To be certified or es-
11 tablished under this part, a regional informa-
12 tion coordination entity shall be certified or es-
13 tablished by contract or agreement by the Ad-
14 ministrator, and shall agree to meet the certifi-
15 cation standards and compliance procedure
16 guidelines issued by the Administrator and in-
17 formation needs of user groups in the region
18 while adhering to national standards and
19 shall—

20 (i) demonstrate an organizational
21 structure capable of gathering required
22 System observation data, supporting and
23 integrating all aspects of coastal and ocean
24 observing and information programs within
25 a region and that reflects the needs of

1 State and local governments, commercial
2 interests, and other users and beneficiaries
3 of the System and other requirements
4 specified under this part and the System
5 Plan;

6 (ii) identify gaps in observation cov-
7 erage needs for capital improvements of
8 Federal assets and non-Federal assets of
9 the System, or other recommendations to
10 assist in the development of the annual
11 and long-term plans created pursuant to
12 subsection (c)(2)(A)(i) and transmit such
13 information to the Interagency Ocean Ob-
14 serving Committee via the Program Office;

15 (iii) develop and operate under a stra-
16 tegic operational plan that will ensure the
17 efficient and effective administration of
18 programs and assets to support daily data
19 observations for integration into the Sys-
20 tem, pursuant to the standards approved
21 by the Council;

22 (iv) work cooperatively with govern-
23 mental and non-governmental entities at
24 all levels to identify and provide informa-
25 tion products of the System for multiple

1 users within the service area of the re-
2 gional information coordination entities;
3 and

4 (v) comply with all financial oversight
5 requirements established by the Adminis-
6 trator, including requirements relating to
7 audits.

8 (B) PARTICIPATION.—For the purposes of
9 this part, employees of Federal agencies may
10 participate in the functions of the regional in-
11 formation coordination entities.

12 (d) SYSTEM ADVISORY COMMITTEE.—

13 (1) IN GENERAL.—The Administrator shall es-
14 tablish or designate a System advisory committee,
15 which shall provide advice as may be requested by
16 the Administrator or the Interagency Ocean Observ-
17 ing Committee.

18 (2) PURPOSE.—The purpose of the System ad-
19 visory committee is to advise the Administrator and
20 the Interagency Ocean Observing Committee on—

21 (A) administration, operation, manage-
22 ment, and maintenance of the System, includ-
23 ing integration of Federal and non-Federal as-
24 sets and data management and communication

1 aspects of the System, and fulfillment of the
2 purposes set forth in section 5262;

3 (B) expansion and periodic modernization
4 and upgrade of technology components of the
5 System;

6 (C) identification of end-user communities,
7 their needs for information provided by the Sys-
8 tem, and the System's effectiveness in dissemi-
9 nating information to end-user communities
10 and the general public; and

11 (D) any other purpose identified by the
12 Administrator or the Interagency Ocean Ob-
13 serving Committee.

14 (3) MEMBERS.—

15 (A) IN GENERAL.—The System advisory
16 committee shall be composed of members ap-
17 pointed by the Administrator. Members shall be
18 qualified by education, training, and experience
19 to evaluate scientific and technical information
20 related to the design, operation, maintenance,
21 or use of the System, or use of data products
22 provided through the System.

23 (B) TERMS OF SERVICE.—Members shall
24 be appointed for 3-year terms, renewable once.
25 A vacancy appointment shall be for the remain-

1 der of the unexpired term of the vacancy, and
2 an individual so appointed may subsequently be
3 appointed for 2 full 3-year terms if the remain-
4 der of the unexpired term is less than 1 year.

5 (C) CHAIRPERSON.—The Administrator
6 shall designate a chairperson from among the
7 members of the System advisory committee.

8 (D) APPOINTMENT.—Members of the Sys-
9 tem advisory committee shall be appointed as
10 special Government employees for purposes of
11 section 202(a) of title 18, United States Code.

12 (4) ADMINISTRATIVE PROVISIONS.—

13 (A) REPORTING.—The System advisory
14 committee shall report to the Administrator and
15 the Interagency Ocean Observing Committee, as
16 appropriate.

17 (B) ADMINISTRATIVE SUPPORT.—The Ad-
18 ministrator shall provide administrative support
19 to the System advisory committee.

20 (C) MEETINGS.—The System advisory
21 committee shall meet at least once each year,
22 and at other times at the call of the Adminis-
23 trator, the Interagency Ocean Observing Com-
24 mittee, or the chairperson.

1 (D) COMPENSATION AND EXPENSES.—

2 Members of the System advisory committee
3 shall not be compensated for service on that
4 Committee, but may be allowed travel expenses,
5 including per diem in lieu of subsistence, in ac-
6 cordance with subchapter I of chapter 57 of
7 title 5, United States Code.

8 (E) EXPIRATION.—Section 14 of the Fed-
9 eral Advisory Committee Act (5 U.S.C. App.)
10 shall not apply to the System advisory com-
11 mittee.

12 (e) CIVIL LIABILITY.—For purposes of determining
13 liability arising from the dissemination and use of observa-
14 tion data gathered pursuant to this section, any non-Fed-
15 eral asset or regional information coordination entity in-
16 corporated into the System by contract, lease, grant, or
17 cooperative agreement under subsection (c)(3)(D) that is
18 participating in the System shall be considered to be part
19 of the National Oceanic and Atmospheric Administration.
20 Any employee of such a non-Federal asset or regional in-
21 formation coordination entity, while operating within the
22 scope of his or her employment in carrying out the pur-
23 poses of this part, with respect to tort liability, is deemed
24 to be an employee of the Federal Government.

1 (f) LIMITATION.—Nothing in this part shall be con-
2 strued to invalidate existing certifications, contracts, or
3 agreements between regional information coordination en-
4 tities and other elements of the System.

5 **SEC. 5265. INTERAGENCY FINANCING AND AGREEMENTS.**

6 (a) IN GENERAL.—To carry out interagency activi-
7 ties under this part, the Secretary of Commerce may exe-
8 cute cooperative agreements, or any other agreements,
9 with, and receive and expend funds made available by, any
10 State or subdivision thereof, any Federal agency, or any
11 public or private organization, or individual.

12 (b) RECIPROCITY.—Member Departments and agen-
13 cies of the Council shall have the authority to create, sup-
14 port, and maintain joint centers, and to enter into and
15 perform such contracts, leases, grants, and cooperative
16 agreements as may be necessary to carry out the purposes
17 of this part and fulfillment of the System Plan.

18 **SEC. 5266. APPLICATION WITH OTHER LAWS.**

19 Nothing in this part supersedes or limits the author-
20 ity of any agency to carry out its responsibilities and mis-
21 sions under other laws.

22 **SEC. 5267. REPORT TO CONGRESS.**

23 (a) REQUIREMENT.—Not later than 2 years after the
24 date of the enactment of this Act and every 2 years there-
25 after, the Administrator shall prepare and the President

1 acting through the Council shall approve and transmit to
2 the Congress a report on progress made in implementing
3 this part.

4 (b) CONTENTS.—The report shall include—

5 (1) a description of activities carried out under
6 this part and the System Plan;

7 (2) an evaluation of the effectiveness of the
8 System, including an evaluation of progress made by
9 the Council to achieve the goals identified under the
10 System Plan;

11 (3) identification of Federal and non-Federal
12 assets as determined by the Council that have been
13 integrated into the System, including assets essential
14 to the gathering of required observation data vari-
15 ables necessary to meet the respective missions of
16 Council agencies;

17 (4) a review of procurements, planned or initi-
18 ated, by each Council agency to enhance, expand, or
19 modernize the observation capabilities and data
20 products provided by the System, including data
21 management and communication subsystems;

22 (5) an assessment regarding activities to inte-
23 grate Federal and non-Federal assets, nationally and
24 on the regional level, and discussion of the perform-
25 ance and effectiveness of regional information co-

1 ordination entities to coordinate regional observation
2 operations;

3 (6) a description of benefits of the program to
4 users of data products resulting from the System
5 (including the general public, industries, scientists,
6 resource managers, emergency responders, policy
7 makers, and educators);

8 (7) recommendations concerning—

9 (A) modifications to the System; and

10 (B) funding levels for the System in subse-
11 quent fiscal years; and

12 (8) the results of a periodic external inde-
13 pendent programmatic audit of the System.

14 **SEC. 5268. PUBLIC-PRIVATE USE POLICY.**

15 The Council shall develop a policy within 6 months
16 after the date of the enactment of this Act that defines
17 processes for making decisions about the roles of the Fed-
18 eral Government, the States, regional information coordi-
19 nation entities, the academic community, and the private
20 sector in providing to end-user communities environmental
21 information, products, technologies, and services related to
22 the System. The Council shall publish the policy in the
23 Federal Register for public comment for a period not less
24 than 60 days. Nothing in this section shall be construed

1 to require changes in policy in effect on the date of enact-
2 ment of this Act.

3 **SEC. 5269. INDEPENDENT COST ESTIMATE.**

4 Within 1 year after the date of enactment of this Act,
5 the Interagency Ocean Observation Committee, through
6 the Administrator and the Director of the National
7 Science Foundation, shall obtain an independent cost esti-
8 mate for operations and maintenance of existing Federal
9 assets of the System, and planned or anticipated acquisi-
10 tion, operation, and maintenance of new Federal assets
11 for the System, including operation facilities, observation
12 equipment, modeling and software, data management and
13 communication, and other essential components. The inde-
14 pendent cost estimate shall be transmitted unabridged and
15 without revision by the Administrator to Congress.

16 **SEC. 5270. INTENT OF CONGRESS.**

17 It is the intent of Congress that funding provided to
18 agencies of the Council to implement this part shall sup-
19 plement, and not replace, existing sources of funding for
20 other programs. It is the further intent of Congress that
21 agencies of the Council shall not enter into contracts or
22 agreements for the development or procurement of new
23 Federal assets for the System that are estimated to be
24 in excess of \$250,000,000 in life-cycle costs without first

1 providing adequate notice to Congress and opportunity for
2 review and comment.

3 **SEC. 5271. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Sec-
5 retary of Commerce for fiscal years 2009 through 2013
6 such sums as are necessary to fulfill the purposes of this
7 part and support activities identified in the annual coordi-
8 nated System budget developed by the Interagency Ocean
9 Observation Committee and submitted to the Congress.

10 **PART VI—FEDERAL OCEAN ACIDIFICATION**
11 **RESEARCH AND MONITORING ACT OF 2008**

12 **SEC. 5281. SHORT TITLE.**

13 This part may be cited as the “Federal Ocean Acidifi-
14 cation Research And Monitoring Act of 2008” or the
15 “FOARAM Act”.

16 **SEC. 5282. PURPOSES.**

17 (a) PURPOSES.—The purposes of this part are to pro-
18 vide for—

19 (1) development and coordination of a com-
20 prehensive interagency plan to—

21 (A) monitor and conduct research on the
22 processes and consequences of ocean acidifica-
23 tion on marine organisms and ecosystems; and

24 (B) establish an interagency research and
25 monitoring program on ocean acidification;

1 (2) establishment of an ocean acidification pro-
2 gram within the National Oceanic and Atmospheric
3 Administration;

4 (3) assessment and consideration of regional
5 and national ecosystem and socioeconomic impacts
6 of increased ocean acidification; and

7 (4) research adaptation strategies and tech-
8 niques for effectively conserving marine ecosystems
9 as they cope with increased ocean acidification.

10 **SEC. 5283. DEFINITIONS.**

11 In this part:

12 (1) OCEAN ACIDIFICATION.—The term “ocean
13 acidification” means the decrease in pH of the
14 Earth’s oceans and changes in ocean chemistry
15 caused by chemical inputs from the atmosphere, in-
16 cluding carbon dioxide.

17 (2) SECRETARY.—The term “Secretary” means
18 the Secretary of Commerce, acting through the Ad-
19 ministrator of the National Oceanic and Atmos-
20 pheric Administration.

21 (3) SUBCOMMITTEE.—The term “Sub-
22 committee” means the Joint Subcommittee on
23 Ocean Science and Technology of the National
24 Science and Technology Council.

1 **SEC. 5284. INTERAGENCY SUBCOMMITTEE.**

2 (a) DESIGNATION.—

3 (1) IN GENERAL.—The Joint Subcommittee on
4 Ocean Science and Technology of the National
5 Science and Technology Council shall coordinate
6 Federal activities on ocean acidification and estab-
7 lish an interagency working group.

8 (2) MEMBERSHIP.—The interagency working
9 group on ocean acidification shall be comprised of
10 senior representatives from the National Oceanic
11 and Atmospheric Administration, the National
12 Science Foundation, the National Aeronautics and
13 Space Administration, the United States Geological
14 Survey, the United States Fish and Wildlife Service,
15 and such other Federal agencies as appropriate.

16 (3) CHAIRMAN.—The interagency working
17 group shall be chaired by the representative from
18 the National Oceanic and Atmospheric Administra-
19 tion.

20 (b) DUTIES.—The Subcommittee shall—

21 (1) develop the strategic research and moni-
22 toring plan to guide Federal research on ocean acidi-
23 fication required under section 5285 of this part and
24 oversee the implementation of the plan;

25 (2) oversee the development of—

1 (A) an assessment of the potential impacts
2 of ocean acidification on marine organisms and
3 marine ecosystems; and

4 (B) adaptation and mitigation strategies to
5 conserve marine organisms and ecosystems ex-
6 posed to ocean acidification;

7 (3) facilitate communication and outreach op-
8 portunities with nongovernmental organizations and
9 members of the stakeholder community with inter-
10 ests in marine resources;

11 (4) coordinate the United States Federal re-
12 search and monitoring program with research and
13 monitoring programs and scientists from other na-
14 tions; and

15 (5) establish or designate an Ocean Acidifica-
16 tion Information Exchange to make information on
17 ocean acidification developed through or utilized by
18 the interagency ocean acidification program acces-
19 sible through electronic means, including informa-
20 tion which would be useful to policymakers, re-
21 searchers, and other stakeholders in mitigating or
22 adapting to the impacts of ocean acidification.

23 (c) REPORTS TO CONGRESS.—

24 (1) INITIAL REPORT.—Not later than 1 year
25 after the date of enactment of this Act, the Sub-

1 committee shall transmit a report to the Committee
2 on Commerce, Science, and Transportation of the
3 Senate and the Committee on Science and Tech-
4 nology and the Committee on Natural Resources of
5 the House of Representatives that—

6 (A) includes a summary of federally fund-
7 ed ocean acidification research and monitoring
8 activities, including the budget for each of these
9 activities; and

10 (B) describes the progress in developing
11 the plan required under section 5285 of this
12 part.

13 (2) BIENNIAL REPORT.—Not later than 2 years
14 after the delivery of the initial report under para-
15 graph (1) and every 2 years thereafter, the Sub-
16 committee shall transmit a report to the Committee
17 on Commerce, Science, and Transportation of the
18 Senate and the Committee on Science and Tech-
19 nology and the Committee on Natural Resources of
20 the House of Representatives that includes—

21 (A) a summary of federally funded ocean
22 acidification research and monitoring activities,
23 including the budget for each of these activities;
24 and

1 (B) an analysis of the progress made to-
2 ward achieving the goals and priorities for the
3 interagency research plan developed by the Sub-
4 committee under section 5285.

5 (3) STRATEGIC RESEARCH PLAN.—Not later
6 than 2 years after the date of enactment of this Act,
7 the Subcommittee shall transmit the strategic re-
8 search plan developed under section 5285 to the
9 Committee on Commerce, Science, and Transpor-
10 tation of the Senate and the Committee on Science
11 and Technology and the Committee on Natural Re-
12 sources of the House of Representatives. A revised
13 plan shall be submitted at least once every 5 years
14 thereafter.

15 **SEC. 5285. STRATEGIC RESEARCH PLAN.**

16 (a) IN GENERAL.—Not later than 2 years after the
17 date of enactment of this Act, the Subcommittee shall de-
18 velop a strategic plan for Federal research and monitoring
19 on ocean acidification that will provide for an assessment
20 of the impacts of ocean acidification on marine organisms
21 and marine ecosystems and the development of adaptation
22 and mitigation strategies to conserve marine organisms
23 and marine ecosystems. In developing the plan, the Sub-
24 committee shall consider and use information, reports, and
25 studies of ocean acidification that have identified research

1 and monitoring needed to better understand ocean acidifi-
2 cation and its potential impacts, and recommendations
3 made by the National Academy of Sciences in the review
4 of the plan required under subsection (d).

5 (b) CONTENTS OF THE PLAN.—The plan shall—

6 (1) provide for interdisciplinary research among
7 the ocean sciences, and coordinated research and ac-
8 tivities to improve the understanding of ocean chem-
9 istry that will affect marine ecosystems;

10 (2) establish, for the 10-year period beginning
11 in the year the plan is submitted, the goals and pri-
12 orities for Federal research and monitoring which
13 will—

14 (A) advance understanding of ocean acidi-
15 fication and its physical, chemical, and biologi-
16 cal impacts on marine organisms and marine
17 ecosystems;

18 (B) improve the ability to assess the socio-
19 economic impacts of ocean acidification; and

20 (C) provide information for the develop-
21 ment of adaptation and mitigation strategies to
22 conserve marine organisms and marine eco-
23 systems;

24 (3) describe specific activities, including—

25 (A) efforts to determine user needs;

- 1 (B) research activities;
- 2 (C) monitoring activities;
- 3 (D) technology and methods development;
- 4 (E) data collection;
- 5 (F) database development;
- 6 (G) modeling activities;
- 7 (H) assessment of ocean acidification im-
- 8 pacts; and
- 9 (I) participation in international research
- 10 efforts;
- 11 (4) identify relevant programs and activities of
- 12 the Federal agencies that contribute to the inter-
- 13 agency program directly and indirectly and set forth
- 14 the role of each Federal agency in implementing the
- 15 plan;
- 16 (5) consider and utilize, as appropriate, reports
- 17 and studies conducted by Federal agencies, the Na-
- 18 tional Research Council, or other entities;
- 19 (6) make recommendations for the coordination
- 20 of the ocean acidification research and monitoring
- 21 activities of the United States with such activities of
- 22 other nations and international organizations;
- 23 (7) outline budget requirements for Federal
- 24 ocean acidification research and monitoring and as-

1 sessment activities to be conducted by each agency
2 under the plan;

3 (8) identify the monitoring systems and sam-
4 pling programs currently employed in collecting data
5 relevant to ocean acidification and prioritize addi-
6 tional monitoring systems that may be needed to en-
7 sure adequate data collection and monitoring of
8 ocean acidification and its impacts; and

9 (9) describe specific activities designed to facili-
10 tate outreach and data and information exchange
11 with stakeholder communities.

12 (c) PROGRAM ELEMENTS.—The plan shall include at
13 a minimum the following program elements:

14 (1) Monitoring of ocean chemistry and biologi-
15 cal impacts associated with ocean acidification at se-
16 lected coastal and open-ocean monitoring stations,
17 including satellite-based monitoring to charac-
18 terize—

19 (A) marine ecosystems;

20 (B) changes in marine productivity; and

21 (C) changes in surface ocean chemistry.

22 (2) Research to understand the species specific
23 physiological responses of marine organisms to ocean
24 acidification, impacts on marine food webs of ocean
25 acidification, and to develop environmental and eco-

1 logical indices that track marine ecosystem re-
2 sponses to ocean acidification.

3 (3) Modeling to predict changes in the ocean
4 carbon cycle as a function of carbon dioxide and at-
5 mosphere-induced changes in temperature, ocean cir-
6 culation, biogeochemistry, ecosystem and terrestrial
7 input, and modeling to determine impacts on marine
8 ecosystems and individual marine organisms.

9 (4) Technology development and standardiza-
10 tion of carbonate chemistry measurements on moor-
11 ings and autonomous floats.

12 (5) Assessment of socioeconomic impacts of
13 ocean acidification and development of adaptation
14 and mitigation strategies to conserve marine orga-
15 nisms and marine ecosystems.

16 (d) NATIONAL ACADEMY OF SCIENCES EVALUA-
17 TION.—The Secretary shall enter into an agreement with
18 the National Academy of Sciences to review the plan.

19 (e) PUBLIC PARTICIPATION.—In developing the plan,
20 the Subcommittee shall consult with representatives of
21 academic, State, industry and environmental groups. Not
22 later than 90 days before the plan, or any revision thereof,
23 is submitted to the Congress, the plan shall be published
24 in the Federal Register for a public comment period of
25 not less than 60 days.

1 **SEC. 5286. NOAA OCEAN ACIDIFICATION ACTIVITIES.**

2 (a) IN GENERAL.—The Secretary shall establish and
3 maintain an ocean acidification program within the Na-
4 tional Oceanic and Atmospheric Administration to conduct
5 research, monitoring, and other activities consistent with
6 the strategic research and implementation plan developed
7 by the Subcommittee under section 5285 that—

8 (1) includes—

9 (A) interdisciplinary research among the
10 ocean and atmospheric sciences, and coordi-
11 nated research and activities to improve under-
12 standing of ocean acidification;

13 (B) the establishment of a long-term moni-
14 toring program of ocean acidification utilizing
15 existing global and national ocean observing as-
16 sets, and adding instrumentation and sampling
17 stations as appropriate to the aims of the re-
18 search program;

19 (C) research to identify and develop adap-
20 tation strategies and techniques for effectively
21 conserving marine ecosystems as they cope with
22 increased ocean acidification;

23 (D) as an integral part of the research
24 programs described in this part, educational op-
25 portunities that encourage an interdisciplinary

1 and international approach to exploring the im-
2 pacts of ocean acidification;

3 (E) as an integral part of the research pro-
4 grams described in this part, national public
5 outreach activities to improve the under-
6 standing of current scientific knowledge of
7 ocean acidification and its impacts on marine
8 resources; and

9 (F) coordination of ocean acidification
10 monitoring and impacts research with other ap-
11 propriate international ocean science bodies
12 such as the International Oceanographic Com-
13 mission, the International Council for the Ex-
14 ploration of the Sea, the North Pacific Marine
15 Science Organization, and others;

16 (2) provides grants for critical research projects
17 that explore the effects of ocean acidification on eco-
18 systems and the socioeconomic impacts of increased
19 ocean acidification that are relevant to the goals and
20 priorities of the strategic research plan; and

21 (3) incorporates a competitive merit-based proc-
22 ess for awarding grants that may be conducted
23 jointly with other participating agencies or under the
24 National Oceanographic Partnership Program under
25 section 7901 of title 10, United States Code.

1 (b) ADDITIONAL AUTHORITY.—In conducting the
2 Program, the Secretary may enter into and perform such
3 contracts, leases, grants, or cooperative agreements as
4 may be necessary to carry out the purposes of this part
5 on such terms as the Secretary considers appropriate.

6 **SEC. 5287. NSF OCEAN ACIDIFICATION ACTIVITIES.**

7 (a) RESEARCH ACTIVITIES.—The Director of the Na-
8 tional Science Foundation shall continue to carry out re-
9 search activities on ocean acidification which shall support
10 competitive, merit-based, peer-reviewed proposals for re-
11 search and monitoring of ocean acidification and its im-
12 pacts, including—

13 (1) impacts on marine organisms and marine
14 ecosystems;

15 (2) impacts on ocean, coastal, and estuarine
16 biogeochemistry; and

17 (3) the development of methodologies and tech-
18 nologies to evaluate ocean acidification and its im-
19 pacts.

20 (b) CONSISTENCY.—The research activities shall be
21 consistent with the strategic research plan developed by
22 the Subcommittee under section 5285.

23 (c) COORDINATION.—The Director shall encourage
24 coordination of the Foundation's ocean acidification activi-

1 ties with such activities of other nations and international
2 organizations.

3 **SEC. 5288. NASA OCEAN ACIDIFICATION ACTIVITIES.**

4 (a) OCEAN ACIDIFICATION ACTIVITIES.—The Ad-
5 ministrator of the National Aeronautics and Space Admin-
6 istration, in coordination with other relevant agencies,
7 shall ensure that space-based monitoring assets are used
8 in as productive a manner as possible for monitoring of
9 ocean acidification and its impacts.

10 (b) PROGRAM CONSISTENCY.—The Administrator
11 shall ensure that the Agency's research and monitoring
12 activities on ocean acidification are carried out in a man-
13 ner consistent with the strategic research plan developed
14 by the Subcommittee under section 5285.

15 (c) COORDINATION.—The Administrator shall en-
16 courage coordination of the Agency's ocean acidification
17 activities with such activities of other nations and inter-
18 national organizations.

19 **SEC. 5289. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) NOAA.—There are authorized to be appropriated
21 to the National Oceanic and Atmospheric Administration
22 to carry out the purposes of this part—

- 23 (1) \$8,000,000 for fiscal year 2009;
24 (2) \$12,000,000 for fiscal year 2010;
25 (3) \$15,000,000 for fiscal year 2011; and

1 (4) \$20,000,000 for fiscal year 2012.

2 (b) NSF.—There are authorized to be appropriated
3 to the National Science Foundation to carry out the pur-
4 poses of this part—

5 (1) \$6,000,000 for fiscal year 2009;

6 (2) \$8,000,000 for fiscal year 2010;

7 (3) \$12,000,000 for fiscal year 2011; and

8 (4) \$15,000,000 for fiscal year 2012.

9 **TITLE VI—HOMELAND SECURITY**
10 **AND GOVERNMENTAL AF-**
11 **FAIRS PROVISIONS**

12 **Subtitle A—National Capital Trans-**
13 **portation Amendments Act of**
14 **2008**

15 **SEC. 6101. SHORT TITLE; FINDINGS.**

16 (a) SHORT TITLE.—This subtitle may be cited as the
17 “National Capital Transportation Amendments Act of
18 2008”.

19 (b) FINDINGS.—Congress finds as follows:

20 (1) Metro, the public transit system of the
21 Washington metropolitan area, is essential for the
22 continued and effective performance of the functions
23 of the Federal Government, and for the orderly
24 movement of people during major events and times
25 of regional or national emergency.

1 (2) On 3 occasions, Congress has authorized
2 appropriations for the construction and capital im-
3 provement needs of the Metrorail system.

4 (3) Additional funding is required to protect
5 these previous Federal investments and ensure the
6 continued functionality and viability of the original
7 103-mile Metrorail system.

8 **SEC. 6102. AUTHORIZATION FOR CAPITAL AND PREVEN-**
9 **TIVE MAINTENANCE PROJECTS FOR WASH-**
10 **INGTON METROPOLITAN AREA TRANSIT AU-**
11 **THORITY.**

12 (a) AUTHORIZATION.—

13 (1) IN GENERAL.—Subject to the succeeding
14 provisions of this section, the Secretary of Transpor-
15 tation is authorized to make grants to the Transit
16 Authority, in addition to the contributions author-
17 ized under sections 3, 14, and 17 of the National
18 Capital Transportation Act of 1969 (sec. 9—
19 1101.01 et seq., D.C. Official Code), for the purpose
20 of financing in part the capital and preventive main-
21 tenance projects included in the Capital Improve-
22 ment Program approved by the Board of Directors
23 of the Transit Authority.

24 (2) DEFINITIONS.—In this section—

1 (A) the term “Transit Authority” means
2 the Washington Metropolitan Area Transit Au-
3 thority established under Article III of the
4 Compact; and

5 (B) the term “Compact” means the Wash-
6 ington Metropolitan Area Transit Authority
7 Compact (80 Stat. 1324; Public Law 89—774).

8 (b) USE OF FUNDS.—The Federal grants made pur-
9 suant to the authorization under this section shall be sub-
10 ject to the following limitations and conditions:

11 (1) The work for which such Federal grants are
12 authorized shall be subject to the provisions of the
13 Compact (consistent with the amendments to the
14 Compact described in subsection (d)).

15 (2) Each such Federal grant shall be for 50
16 percent of the net project cost of the project in-
17 volved, and shall be provided in cash from sources
18 other than Federal funds or revenues from the oper-
19 ation of public mass transportation systems. Con-
20 sistent with the terms of the amendment to the
21 Compact described in subsection (d)(1), any funds
22 so provided shall be solely from undistributed cash
23 surpluses, replacement or depreciation funds or re-
24 serves available in cash, or new capital.

1 (3) Such Federal grants may be used only for
2 the maintenance and upkeep of the systems of the
3 Transit Authority as of the date of the enactment of
4 this Act and may not be used to increase the mile-
5 age of the rail system.

6 (c) APPLICABILITY OF REQUIREMENTS FOR MASS
7 TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS
8 UNDER FEDERAL TRANSPORTATION LAW.—Except as
9 specifically provided in this section, the use of any
10 amounts appropriated pursuant to the authorization under
11 this section shall be subject to the requirements applicable
12 to capital projects for which funds are provided under
13 chapter 53 of title 49, United States Code, except to the
14 extent that the Secretary of Transportation determines
15 that the requirements are inconsistent with the purposes
16 of this section.

17 (d) AMENDMENTS TO COMPACT.—No amounts may
18 be provided to the Transit Authority pursuant to the au-
19 thorization under this section until the Transit Authority
20 notifies the Secretary of Transportation that each of the
21 following amendments to the Compact (and any further
22 amendments which may be required to implement such
23 amendments) have taken effect:

24 (1)(A) An amendment requiring that all pay-
25 ments by the local signatory governments for the

1 Transit Authority for the purpose of matching any
2 Federal funds appropriated in any given year au-
3 thorized under subsection (a) for the cost of oper-
4 ating and maintaining the adopted regional system
5 are made from amounts derived from dedicated
6 funding sources.

7 (B) For purposes of this paragraph, the term
8 “dedicated funding source” means any source of
9 funding which is earmarked or required under State
10 or local law to be used to match Federal appropria-
11 tions authorized under this subtitle for payments to
12 the Transit Authority.

13 (2) An amendment establishing an Office of the
14 Inspector General of the Transit Authority.

15 (3) An amendment expanding the Board of Di-
16 rectors of the Transit Authority to include 4 addi-
17 tional Directors appointed by the Administrator of
18 General Services, of whom 2 shall be nonvoting and
19 2 shall be voting, and requiring one of the voting
20 members so appointed to be a regular passenger and
21 customer of the bus or rail service of the Transit
22 Authority.

23 (e) ACCESS TO WIRELESS SERVICE IN METRORAIL
24 SYSTEM.—

1 (1) REQUIRING TRANSIT AUTHORITY TO PRO-
2 VIDE ACCESS TO SERVICE.—No amounts may be
3 provided to the Transit Authority pursuant to the
4 authorization under this section unless the Transit
5 Authority ensures that customers of the rail service
6 of the Transit Authority have access within the rail
7 system to services provided by any licensed wireless
8 provider that notifies the Transit Authority (in ac-
9 cordance with such procedures as the Transit Au-
10 thority may adopt) of its intent to offer service to
11 the public, in accordance with the following time-
12 table:

13 (A) Not later than 1 year after the date of
14 the enactment of this Act, in the 20 under-
15 ground rail station platforms with the highest
16 volume of passenger traffic.

17 (B) Not later than 4 years after such date,
18 throughout the rail system.

19 (2) ACCESS OF WIRELESS PROVIDERS TO SYS-
20 TEM FOR UPGRADES AND MAINTENANCE.—No
21 amounts may be provided to the Transit Authority
22 pursuant to the authorization under this section un-
23 less the Transit Authority ensures that each licensed
24 wireless provider who provides service to the public
25 within the rail system pursuant to paragraph (1) has

1 access to the system on an ongoing basis (subject to
2 such restrictions as the Transit Authority may im-
3 pose to ensure that such access will not unduly im-
4 pact rail operations or threaten the safety of cus-
5 tomers or employees of the rail system) to carry out
6 emergency repairs, routine maintenance, and up-
7 grades to the service.

8 (3) PERMITTING REASONABLE AND CUSTOMARY
9 CHARGES.—Nothing in this subsection may be con-
10 strued to prohibit the Transit Authority from requir-
11 ing a licensed wireless provider to pay reasonable
12 and customary charges for access granted under this
13 subsection.

14 (4) REPORTS.—Not later than 1 year after the
15 date of the enactment of this Act, and each of the
16 3 years thereafter, the Transit Authority shall sub-
17 mit to the Committee on Oversight and Government
18 Reform of the House of Representatives and the
19 Committee on Homeland Security and Governmental
20 Affairs of the Senate a report on the implementation
21 of this subsection.

22 (5) DEFINITION.—In this subsection, the term
23 “licensed wireless provider” means any provider of
24 wireless services who is operating pursuant to a Fed-

1 eral license to offer such services to the public for
2 profit.

3 (f) AMOUNT.—There are authorized to be appro-
4 priated to the Secretary of Transportation for grants
5 under this section an aggregate amount not to exceed
6 \$1,500,000,000 to be available in increments over 10 fis-
7 cal years beginning in fiscal year 2009, or until expended.

8 (g) AVAILABILITY.—Amounts appropriated pursuant
9 to the authorization under this section shall remain avail-
10 able until expended.

11 **Subtitle B—Preservation of**
12 **Records of Servitude, Emanci-**
13 **pation, and Post-Civil War Re-**
14 **construction Act**

15 **SEC. 6201. SHORT TITLE.**

16 This subtitle may be cited as the “Preservation of
17 Records of Servitude, Emancipation, and Post-Civil War
18 Reconstruction Act”.

19 **SEC. 6202. ESTABLISHMENT OF NATIONAL DATABASE.**

20 (a) IN GENERAL.—The Archivist of the United
21 States shall preserve relevant records and establish, as
22 part of the National Archives, an electronically searchable
23 national database consisting of historic records of ser-
24 vitude, emancipation, and post-Civil War reconstruction,
25 including Refugees, Freedman and Abandoned Lands

1 Records, the Southern Claims Commission Records,
 2 Records of the Freedmen's Bank, Slave Impressments
 3 Records, Slave Payroll Records, Slave Manifest, and oth-
 4 ers, contained within the agencies and departments of the
 5 Federal Government to assist African Americans and oth-
 6 ers in conducting genealogical and historical research.

7 (b) MAINTENANCE.—The database established under
 8 this section shall be maintained by the National Archives
 9 or an entity within the National Archives designated by
 10 the Archivist.

11 **SEC. 6203. GRANTS FOR ESTABLISHMENT OF STATE AND**
 12 **LOCAL DATABASES.**

13 (a) IN GENERAL.—The National Historical Publica-
 14 tions and Records Commission of the National Archives
 15 shall provide grants to States, colleges and universities,
 16 museums, libraries, and genealogical associations to pre-
 17 serve records and establish electronically searchable data-
 18 bases consisting of local records of servitude, emanci-
 19 pation, and post-Civil War reconstruction.

20 (b) MAINTENANCE.—The databases established using
 21 grants provided under this section shall be maintained by
 22 appropriate agencies or institutions designated by the Na-
 23 tional Historical Publications and Records Commission.

24 **SEC. 6204. AUTHORIZATION OF APPROPRIATIONS.**

25 There are authorized to be appropriated—

- 1 (1) \$5,000,000 to implement section 6202; and
 2 (2) \$5,000,000 to provide grants under section
 3 6203.

4 **Subtitle C—Predisaster Hazard**
 5 **Mitigation Act of 2008**

6 **SEC. 6301. SHORT TITLE.**

7 This subtitle may be cited as the “Predisaster Haz-
 8 ard Mitigation Act of 2008”.

9 **SEC. 6302. PREDISASTER HAZARD MITIGATION.**

10 (a) **ALLOCATION OF FUNDS.**—Section 203(f) of the
 11 Robert T. Stafford Disaster Relief and Emergency Assist-
 12 ance Act (42 U.S.C. 5133(f)) is amended to read as fol-
 13 lows:

14 “(f) **ALLOCATION OF FUNDS.**—

15 “(1) **IN GENERAL.**—The President shall award
 16 financial assistance under this section on a competi-
 17 tive basis and in accordance with the criteria in sub-
 18 section (g).

19 “(2) **MINIMUM AND MAXIMUM AMOUNTS.**—In
 20 providing financial assistance under this section, the
 21 President shall ensure that the amount of financial
 22 assistance made available to a State (including
 23 amounts made available to local governments of the
 24 State) for a fiscal year—

25 “(A) is not less than the lesser of—

1 “(i) \$575,000; or

2 “(ii) the amount that is equal to 1
3 percent of the total funds appropriated to
4 carry out this section for the fiscal year;
5 and

6 “(B) does not exceed the amount that is
7 equal to 15 percent of the total funds appro-
8 priated to carry out this section for the fiscal
9 year.”.

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
11 203(m) of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5133(m)) is amend-
13 ed to read as follows:

14 “(m) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated to carry out this sec-
16 tion—

17 “(1) \$210,000,000 for fiscal year 2009;

18 “(2) \$230,000,000 for fiscal year 2010; and

19 “(3) \$250,000,000 for fiscal year 2011.”.

20 **SEC. 6303. FLOOD CONTROL PROJECTS.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “Administrator” means the Ad-
23 ministrator of the Federal Emergency Management
24 Agency; and

25 (2) the term “flood control project”—

(A) means a project relating to the repair or rehabilitation of a levee the construction of which has been completed before the date of enactment of this Act that is—

(i) Federally constructed; or

(ii) a non-Federal levee the owners of which are participating in the emergency response to natural disasters program established under section 5 of the Act entitled “An Act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes”, approved August 18, 1941 (33 U.S.C. 701n); and

(B) does not include any project the maintenance of which is the responsibility of a Federal department or agency, including the Corps of Engineers.

(b) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall review the guidance issued by the Federal Emergency Management Agency relating to the eligibility of flood control projects under the predisaster mitigation program under section 203 of

1 the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act (42 U.S.C. 5133).

3 (2) CONTENTS.—As part of the review under
4 this subsection, the Administrator shall—

5 (A) request proposals for potential flood
6 control projects from not less than 5 States in
7 which the President declared a major disaster
8 (as that term is defined in section 102 of the
9 Robert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act (42 U.S.C. 5122)) relat-
11 ing to flooding during the 1-year period ending
12 on the date of enactment of this Act;

13 (B) develop additional criteria for selection
14 of States under subparagraph (A), which shall
15 be reviewed by the Government Accountability
16 Office;

17 (C) evaluate the cost-effectiveness of pro-
18 posals received under subparagraph (A); and

19 (D) review the report by the Committee on
20 Levee Safety required under section 9003(c)(2)
21 of the Water Resources Development Act of
22 2007 (33 U.S.C. 3302(c)(2)).

23 (c) REPORTS.—

24 (1) IN GENERAL.—Not later than 30 days after
25 the date on which the Administrator completes the

1 review required under subsection (b)(1), the Admin-
2 istrator shall submit to the Committee on Homeland
3 Security and Governmental Affairs of the Senate
4 and the Committee on Transportation and Infra-
5 structure of the House of Representatives a report
6 describing the results of the review under subsection
7 (b)(1) of the suitability of using funds under the
8 predisaster mitigation program for flood control
9 projects, including any recommendations for changes
10 to the administrative guidance of the Federal Emer-
11 gency Management Agency.

12 (2) GAO REPORT.—Not later than 240 days
13 after the date of enactment of this Act, the Comp-
14 troller General of the United States shall submit to
15 the Committee on Homeland Security and Govern-
16 mental Affairs of the Senate and the Committee on
17 Transportation and Infrastructure of the House of
18 Representatives a report assessing the criteria devel-
19 oped by the Administrator under subsection
20 (b)(2)(B).

21 (d) PILOT PROJECT.—

22 (1) IN GENERAL.—After the Administrator
23 completes the review required under subsection
24 (b)(1), the Administrator may make grants for not
25 more than 5 flood control projects during fiscal year

1 2010, selected from among proposals submitted to
 2 the Administrator in response to the request under
 3 subsection (b)(2)(A). The selection of projects under
 4 this subsection by the Administrator shall be con-
 5 sistent with section 203(f) of the Robert T. Stafford
 6 Disaster Relief and Emergency Assistance Act, as
 7 amended by this Act.

8 (2) OTHER CRITERIA.—The projects selected
 9 under this subsection shall meet the criteria under
 10 subsections (b), (e), and (g) of section 203 of the
 11 Robert T. Stafford Disaster Relief and Emergency
 12 Assistance Act (42 U.S.C. 5133).

13 **SEC. 6304. TECHNICAL AND CONFORMING AMENDMENTS.**

14 The Robert T. Stafford Disaster Relief and Emer-
 15 gency Assistance Act (42 U.S.C. 5121 et seq.) is amend-
 16 ed—

17 (1) in section 602(a), by striking paragraph (7)
 18 and inserting the following:

19 “(7) ADMINISTRATOR.—The term ‘Adminis-
 20 trator’ means the Administrator of the Federal
 21 Emergency Management Agency.”; and

22 (2) by striking “Director” each place it appears
 23 and inserting “Administrator”, except—

24 (A) the second and fourth place it appears
 25 in section 622(c);

1 (B) in section 622(d); and

2 (C) in section 626(b).

3 **TITLE VII—RULES AND**
4 **ADMINISTRATION PROVISIONS**

5 **SEC. 7001. CONSTRUCTION OF GREENHOUSE FACILITY.**

6 (a) IN GENERAL.—The Board of Regents of the
7 Smithsonian Institution is authorized to construct a
8 greenhouse facility at its museum support facility in
9 Suitland, Maryland, to maintain the horticultural oper-
10 ations of, and preserve the orchid collection held in trust
11 by, the Smithsonian Institution.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
13 authorized to be appropriated \$12,000,000 to carry out
14 this section. Such sums shall remain available until ex-
15 pended.

Calendar No. 894

110TH CONGRESS
2^D Session

S. 3297

A BILL

To advance America's priorities.

JULY 23, 2008

Read the second time and placed on the calendar